



**WOOSTER CITY COUNCIL MINUTES**

**October 6, 2014**

**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. Cavin moved, seconded by Mr. Silvestri, to approve the minutes of the September 15, 2014 regular meeting.

Mr. Silvestri moved, seconded by Mr. Ulbright, to approve the minutes of the September 29, 2014 special meeting.

**III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

Mayor Breneman informed council the Northeast Ohio Four County Regional Planning and Development Organization (NEFCO) held a meeting of the Environmental Resources Technical Advisory Committee (ERTAC) at the Wooster Wastewater Treatment Plant on Wednesday, October 1, 2014. The purpose of holding the meeting there was to showcase the relationship between the city and quasar and the benefits of that relationship. Mayor Breneman stated there has been a dramatic reduction in electric use at the plant in that the monthly bill has been reduced by thousands of dollars.

Mayor Breneman also announced he had received a report from the Wayne County Treasurer, Dawn Zerrer, showing that sales tax receipts are up 6.76% over the same time last year. While the city does not receive any revenue from the county sales tax, Mayor Breneman noted it was good news about the local economy.

**IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**

A notice was received from the Ohio Division of Liquor Control stating Chipotle Mexican Grill of Colorado LLC, dba Chipotle, 4124 Burbank Road, Unit C & Patio, Wooster, Ohio 44691 has applied for a new D5 class permit.

Ms. Knapic moved, seconded by Mr. Ansel, to waive a hearing on the application. Upon roll call, motion carried unanimously. (Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

The following members of the audience spoke: Linda Houston, 1823 Burbank Rd., (Ord. No. 2014-24); Barbara Weinstein, 134 Reed Rd., (Ord. No. 2014-24); and Addison Goodell, 100 Salter Rd., (Ord. No. 2014-24.)

**V. COMMITTEE REPORTS; PUBLIC HEARINGS**

Mr. Ulbright stated the Public Infrastructure Committee met prior to the council meeting and discussed three main topics: road projects, improving non-standard improved streets, and the pavement condition index (PCI). Mr. Ulbright said the committee determined a questionnaire was to be sent to the residents of East Pine Street to let the residents choose which option they would prefer for repairing the street.

Mr. Myers stated he would hold a Public Health and Leisure Committee meeting on Monday, October 20, 2014 at 6:30 p.m. to discuss and provide updates on the city's parks and swimming pools.

**VI. OLD BUSINESS**

1. Second Reading – ORDINANCE NO. 2014-24 AN ORDINANCE AMENDING PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY THE ADOPTION OF VARIOUS TEXT AMENDMENTS TO TITLES ONE, THREE AND FIVE OF THE CODE (Knapic)

Ms. Knapic stated due to the nature of the changes, she would leave this item on second reading.

## **VII. NEW BUSINESS**

1. First Reading – ORDINANCE NO. 2014-27 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT FOR AN ENCROACHMENT UPON THE PUBLIC RIGHT-OF-WAY, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated the encroachment asked for in this legislation would allow Wayne County to make repairs to an existing stairwell and to remove other stairwells that are currently located on the east side of the Wayne County Courthouse along North Market Street. Mr. Ulbright noted the city could revoke the encroachment at any time if it became necessary. Mr. Patrick Herron, Wayne County Administrator, explained the project in more detail. Mr. Herron said the County is going to remove two stairwells and the area will be made to look like the surrounding sidewalk. A third stairwell will be repaired and remain in place. Mr. Herron further stated the County apologizes for the rush; however, it is necessary to complete the work on the stairwells before the work on the rest of the building begins next year.

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

Mr. Ulbright moved, seconded by Mr. Myers, 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. 2014-28 AN ORDINANCE AMENDING ORDINANCE NO. 2003-44 BY INCREASING THE SCOPE OF THE CHRISTMAS RUN PARK RESTORATION FUND, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri explained the Christmas Run Park Restoration Fund was created after a tornado destroyed many of the trees at the park in 2003 and residents donated money to be put toward restoring the park. The park has been reforested and there is a significant amount of money remaining in the fund. Mr. Silvestri stated this legislation would allow the Director of Administration to use the funds for reforestation in any other remaining city parks. Mr. Silvestri said Mr. Steve Webster was consulted in the matter, and said he was OK with the proposal. Mr. Webster served as chair of the Christmas Run Park Restoration Committee and is the current chair of the Shade Tree Commission. Mr. Webster asked that a few thousand dollars remain in the fund for any future needs of the park.

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

Mr. Silvestri moved, seconded by Mr. Ulbright, to adopt.

Mr. Myers asked who would make the decision as to where the funds would be used. Mr. Montgomery responded that the director of administration would ultimately make that decision and would do so based on the recommendations of the Parks Department and the Shade Tree Commission.

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

3. First Reading – ORDINANCE NO. 2014-29 AN ORDINANCE RATIFYING AND CONFIRMING CERTAIN MATTERS IN CONNECTION WITH THE ISSUANCE AND SALE OF BONDS, AS AUTHORIZED BY ORDINANCE NO. 2014-25 PASSED ON SEPTEMBER 15, 2014, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING THE CITY'S WASTEWATER TREATMENT PLANT AND ACQUIRING, CONSTRUCTING AND INSTALLING RELATED WASTEWATER TREATMENT FACILITIES AND EQUIPMENT, TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel stated the city's bond counsel, Squire, Patton, and Boggs, recommended city council take a second review and approval of the bond issue because new information was received regarding the city's credit rating from Standard and Poor's. Mr. Ansel noted that Mr. Dordea reported the city has an AA rating and the city has now received the official report. Mr. Ansel read a few highlights from the official report, including the city having strong budgetary flexibility, having strong liquidity, and strong management with good financial practices. Mr. Ansel stated the only less than A-plus rating in the report is the local economy is weak as calculated by a per capita earning that is lower than the national average for cities the size and scale of Wooster.

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

Mr. Ansel moved, seconded by Ms. Knapic, to adopt.

Mr. Buytendyk noted the high credit rating is a reflection of the city council, city administration and finance department in terms of judicious and responsible handling of the citizen's tax money.

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. 2014-61 A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), TO ACCEPT AND APPLY SUCH FUNDS, IF AWARDED, AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY (Sanders)

Mr. Sanders stated this legislation is to allow for application to the Ohio Public Works Commission (OPWC) for \$453,000 in grant money to cover 50% of the \$906,000 cost of replacing waterlines through Christmas Run Park, on Woodland Avenue, Northwestern Avenue, Forest Drive, and Pearl Street. Mr. Cavin asked if there were any street repairs included in these projects. Mr. Roger Kobilarcsik, City Engineer, replied the cost and project is for the trench and replacement of the waterlines and does not include street repairs. Mr. Kobilarcsik also stated the waterlines along Woodland and Forest are both two-inch galvanized lines. Mr. Silvestri asked what size lines would be replacing the two-inch lines, and Mr. Kobilarcsik replied they would be replaced with six-inch lines, which would allow installation of fire hydrants. Mr. Silvestri asked if the residents would have an increase in water pressure, and Mr. Kobilarcsik replied they would have an increase in flow, but not pressure. Mr. Ulbright asked for confirmation that this project is the reason the installation of sidewalks on the west side of Northwestern Avenue will be delayed until after the waterline project. Mr. Kobilarcsik said that was correct. Ms. Knapic asked how long the project would take. Mr. Kobilarcsik stated it would take approximately four to five months. Mr. Montgomery also stated the project cannot start until after July 1, 2015 because OPWC

will not send out agreements until that date. Mr. Kobilarcsik said the city can advertise and bid the project, but cannot sign a contract until it receives the agreement from OPWC.

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

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).

5. First Reading – RESOLUTION NO. 2014-62 A RESOLUTION AUTHORIZING THE OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR EMERGENCY CONCRETE REPAIRS TO THE DIX EXPRESSWAY, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated that though the Ohio Department of Transportation (ODOT) has completed their work on the Dix Expressway, there are still several places, particularly between the two lanes of traffic, which are in need of repair. Mr. Ulbright said it was his understanding the city has asked ODOT to help with the additional repairs and ODOT has said no. Mr. Ulbright added the city would like to have a sole source contract with Smith Paving because it is the same company that worked on the original ODOT project. Mr. Ulbright reported the city had received a few damage claims filed due to repairs for automobiles, so the road repairs would reduce the city's liability. Mr. Cavin asked if a hole in the concrete divider near the attenuator would be part of the project and whose responsibility it would be to fix it. Mr. Kobilarcsik said it was not part of this proposed project. Mr. Silvestri asked where along the Dix Expressway the project will take place. Mr. Kobilarcsik said the repairs are to be made on the stretch of road between the SR 585 ramp and the bridge that goes over SR 3 and Mr. Montgomery said the city's Public Properties Maintenance division would be fixing the hole. Mr. Silvestri said he received a phone call from a constituent about the turning lanes under the SR 3 bridge. Mr. Kobilarcsik replied this project will be for repairs only on the Dix Expressway and not on SR 3. Mr. Sanders questioned the quality of the earlier road work. Mr. Montgomery stated all the damaged areas to be fixed in this project were not addressed in the earlier ODOT project. He said ODOT underestimated the amount of damage on the road and went back to the state several times for more money for the repairs. Mr. Montgomery stated the areas to be fixed in this project are adjacent to the portions fixed by ODOT. Mr. Ulbright stated it is not a case of the recent repairs breaking up but earlier repairs that have deteriorated. Mr. Kobilarcsik said that is the case and the city would like to use Smith Paving as a sole source bid because they are familiar with the road and what is needed. Mr. Sanders asked why the city waited to do the project instead of doing it earlier. Mr. Montgomery replied the city had asked ODOT to it and as soon as the city heard back that ODOT was not willing to do it, and as soon as the city heard that ODOT was not willing to do it, the city submitted the request to council.

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

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. 2014-63 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH QUASAR, dba WOOSTER RENEWABLE ENERGY, LLC, TO INSTALL FACILITIES AND PROVIDE ELECTRICAL SERVICE FROM THE

WASTEWATER TREATMENT PLANT TO THE WATER TREATMENT  
PLANT (Sanders)

Mr. Sanders said this project will provide power for normal operations at the Water Treatment Plant (WTP) from the electricity produced at the Water Pollution Control Plant (WPCP). Mr. Sanders stated the digestion process quasar has put in place at the WPCP is producing enough electricity to power average daily electricity demands at both plants. It is estimated the city can save between \$50,000 and \$100,000 in electrical costs per year, which means a return on the \$238,860 investment in two to five years. Mr. Sanders said this will eliminate the back-up feed the city is currently paying for from AEP. Mr. Sanders said the bottom line is that it will allow the digestion process to generate most, if not all, of the electricity needed to operate both facilities. Mr. Sanders said it is an exciting piece of legislation because it is something first talked about in 2007 and it is finally coming to fruition. Mr. Silvestri asked if this is attributable to the process quasar has put into place. Mr. Kevin Givins, Utilities Manager, replied the excess capacity generated by the quasar digestion process is greater than originally estimated. The WPCP uses about 600kWh per day and the WTP generally uses between 400 and 500kWh. Mr. Givins said the methane generator is an 1100 kWh generator and it is all quasar's equipment.

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).

**VIII. EXECUTIVE SESSION**

Mr. Sanders moved, seconded by Ms. Knapic, to go into executive session to discuss potential litigation. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

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

**IX. MISCELLANEOUS**

Mr. Sanders stated he would like the city to include the East Pine Street repairs in the 2015 budget. Mr. Silvestri said he was glad the Taylor Street area was being repaired as there had been some bad potholes that needed repaired. Mr. Ulbright said he would also like to see the East Pine Street repairs put into the 2015 budget. Mr. Ansel announced quasar would like to provide a tour for council members and to schedule it for November 3, 2014 at 5:30p.m. at the Water Pollution Control Plant. Mr. Ansel said he would follow up with the executive team at quasar and would work with council and Mr. Buytendyk to develop the agenda.

**X. ADJOURNMENT**

Mr. Ulbright moved, seconded by Mr. Silvestri, to adjourn. Motion carried and meeting so adjourned at 10:11 p.m.

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Michael G. Buytendyk  
President of Council

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Amy M. Hamilton  
Clerk of Council