

CITY COUNCIL AGENDA

March 7, 2011

7:30 p.m.

All meetings are held in Council Chambers, 1st Floor, 538 N. Market Street

I. ROLL CALL & ORDERING OF AGENDA

II. APPROVAL OF MINUTES

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

V. COMMITTEE REPORTS; PUBLIC HEARINGS

VI. OLD BUSINESS

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2011-06 ACCEPTING APPLICATION FOR THE ANNEXATION OF TERRITORY LOCATED ON THE EAST SIDE OF FRIENDSVILLE ROAD, SOUTH OF ITS INTERSECTION WITH RIFFEL ROAD, AND CONTIGUOUS TO THE CORPORATION LIMITS (Robert J. Reynolds, Esq., Agent for Petitioners) (Buytendyk)

2. First Reading - ORDINANCE NO. 2011-07 AMENDING TITLE ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, SO AS TO ZONE NEWLY-ANNEXED LAND (3.443 ACRES) TO A C-5 GENERAL COMMERCIAL DISTRICT FOR PROPERTY LOCATED ON THE EAST SIDE OF FRIENDSVILLE ROAD, SOUTH OF ITS INTERSECTION WITH RIFFEL ROAD (Buytendyk)

3. First Reading - RESOLUTION NO. 2011-34 AUTHORIZING THE MAYOR TO ISSUE PAYMENT TO THE WAYNE ECONOMIC DEVELOPMENT COUNCIL FOR ECONOMIC DEVELOPMENT SERVICES (Ansel)

4. First Reading - RESOLUTION NO. 2011-35 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF SR 302 WITHIN THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (Ulbright)

5. First Reading - RESOLUTION NO. 2011-36 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR IMPROVEMENTS TO PORTAGE ROAD (Ulbright)

6. First Reading - RESOLUTION NO. 2011-37 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT(S) WITH THE LOWEST AND BEST BIDDER(S) FOR IMPROVEMENTS TO OAK HILL PARK (Knapic)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

PETITION FOR ANNEXATION

To the Board of Commissioners of Wayne County, State of Ohio

The undersigned, being all of the owners of real estate in the following described territory within the County of Wayne and adjacent to the City of Wooster, Ohio, petition the Board of Commissioners of Wayne County, Ohio, pursuant to Sections, 709.02, 709.021, and 709.023 of the Ohio Revised Code, to annex the territory described below to the City of Wooster. The territory to be annexed is fully described as follows:

SEE ATTACHED EXHIBIT "A"

Robert J. Reynolds, 441 West Liberty Street, Wooster, Ohio, is hereby appointed and authorized to act as agent for the undersigned petitioners in securing such annexation with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area; to substitute an agent; to do any and things essential thereto and to take any action necessary for obtaining the granting of this petition. Said amendment, alteration, change, correction, withdrawal, refiling, substituting, compromise, increase or deletion, or other actions, for granting of this petition shall be made in the petition, description and/or plat by said agent without further expressed consent of petitioner.

The total number of owners of real estate in the above-described territory is two
(2).

RECEIVED
WAYNE COUNTY
COMMISSIONERS OFFICE
2010 NOV 23 P 3: 39

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO
APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF
COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE
BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY.


Robert M. Johns, Jr.

11/22/10


Darlene R. Johns

11/22/10

Exhibit "A"

Situated in the Township of Wayne, County of Wayne and State of Ohio: Located in the Southeast Quarter of Section 21, T-16N, R-13W described as follows:

Commencing at a capped pin marked "S.J.L." found at the northeast corner of Lot 7870 in the City of Wooster, Northridge Village Subdivision, Plat Volume 22, Page 110.

THENCE N 89 degrees 23' 32" W 179.70 feet, along the north line of Lot 7870, to a capped pin set at the Point of Beginning for the parcel herein described.

THENCE with the following FOUR courses:

1. N 89 degrees 28' 32" W 250.00 feet, continuing along the north line of Lot 7870, to a 5/8 inch diameter steel pin found;
2. N 00 degrees 32' 49" E 599.86 feet, to a capped pin marked "Engineering Associates, Inc." found at the northeast corner thereof;
3. S 89 degrees 27' 39" E 250.00 feet to a capped pin set;
4. S 00 degrees 32' 49" W 599.79 feet to the Point of Beginning.

This parcel contains 3.443 acres and has no frontage on any public way.

This described was prepared by William R. Gasbarre, P.S. 6529, from information contained in a survey made under his direction, in November 2004, on behalf of R.W. Gasbarre & Associates, Inc. See Survey Volume "SS", Page 493.

All bearings are related and based on the north line of Lot 7870 bearing N 89 degrees 28' 32" W according to Plat Volume 22, Page 110.

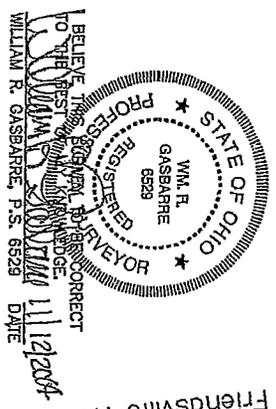
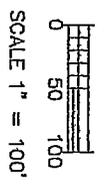
All capped pins, both set and found, are 5/8 inch diameter solid steel rods with identification caps marked "GASBARRE WOOSTER, OHIO" unless otherwise noted.

Bearings are based on the north line of Lot 7870 bearing N 89°28'32" W according to Plat Vol. 22, Pg. 110
 Ref. Surveys: MM-256, Plat Vol. 22, Pg. 110

Robert M. & Lillian E. Johns
 DV 430/708
 45.774 Ac

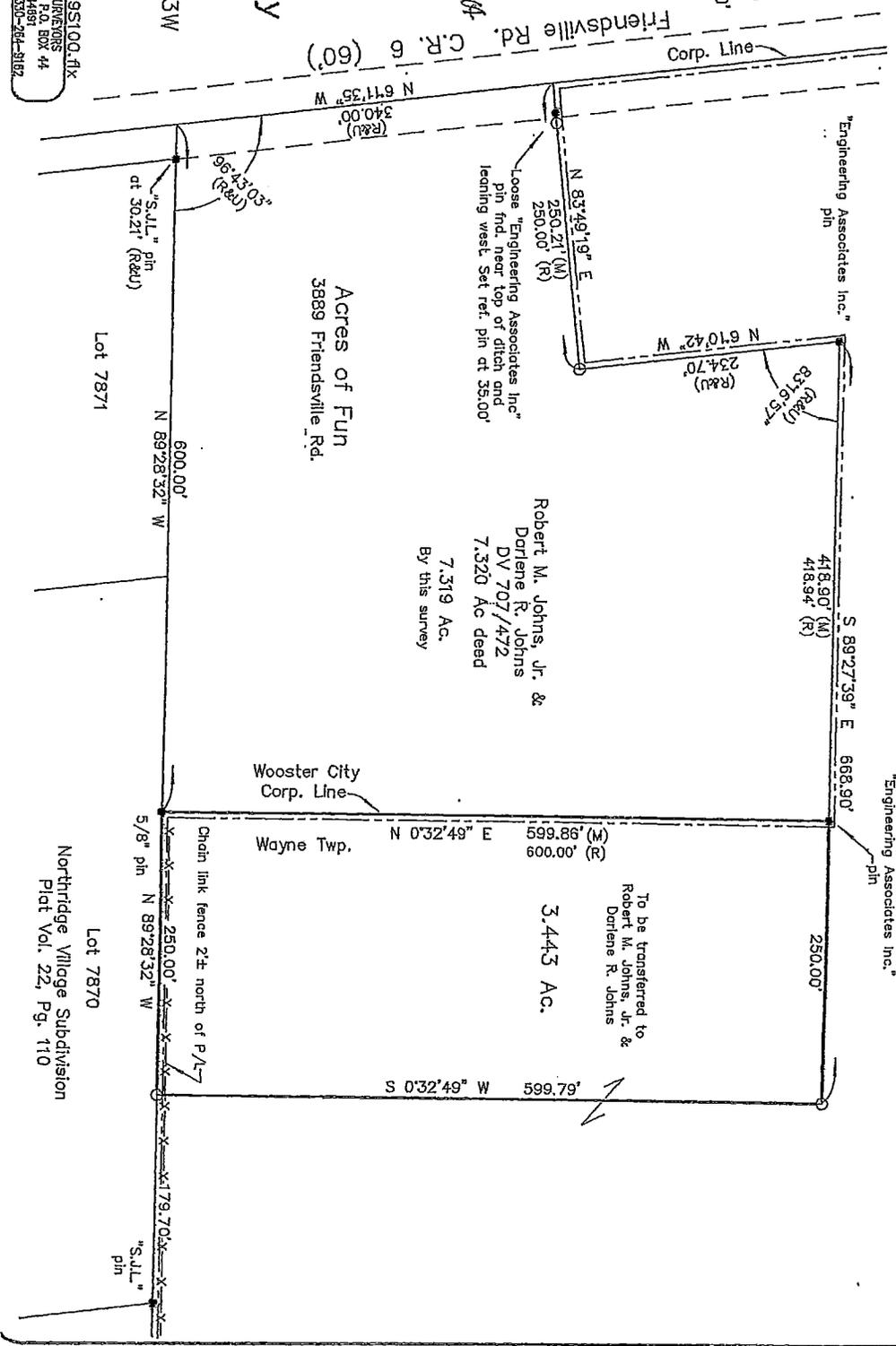
55-493

- LEGEND:
- - CAPPED PIN SET
 - 5/8"x30" Steel Rod W/Yellow I.D. Cap
 - - IRON/STEEL MONUMENT FOUND:
 - Described in Drawing
 - R - RECORD
 - M - MEASURED
 - U - USED
 - *-* FENCE LINE



Acres of Fun Survey
 of a New 3.443 Ac Parcel
 Wayne Township
 SE Qtr, Sec. 21, T-16N, R-13W
 Wayne County, Ohio

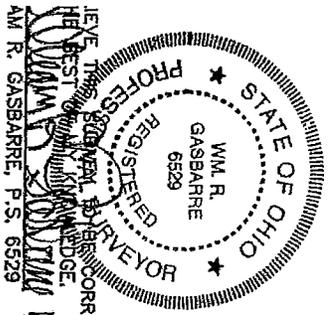
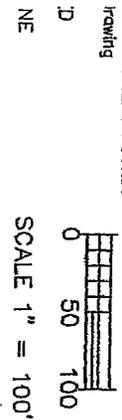
November 12, 2004
Wm. GASBARRE
 & ASSOCIATES, INC. PH 330-284-9499 FAX 330-284-3187
 204139S100.FIX
 PROFESSIONAL LAND SURVEYORS
 401 SOUTH MARKET ST. - P.O. BOX 44
 WOOSTER, OHIO 44691



Bearings are based on the north line of Lot 7870 bearing N 89°28'32" W according to Plat Vol. 22, Pg. 110
 Ref. Surveys: MM-256, Plat Vol. 22, Pg. 110

Robert M. & Lilian
 DV 430/708
 45.774 Ac

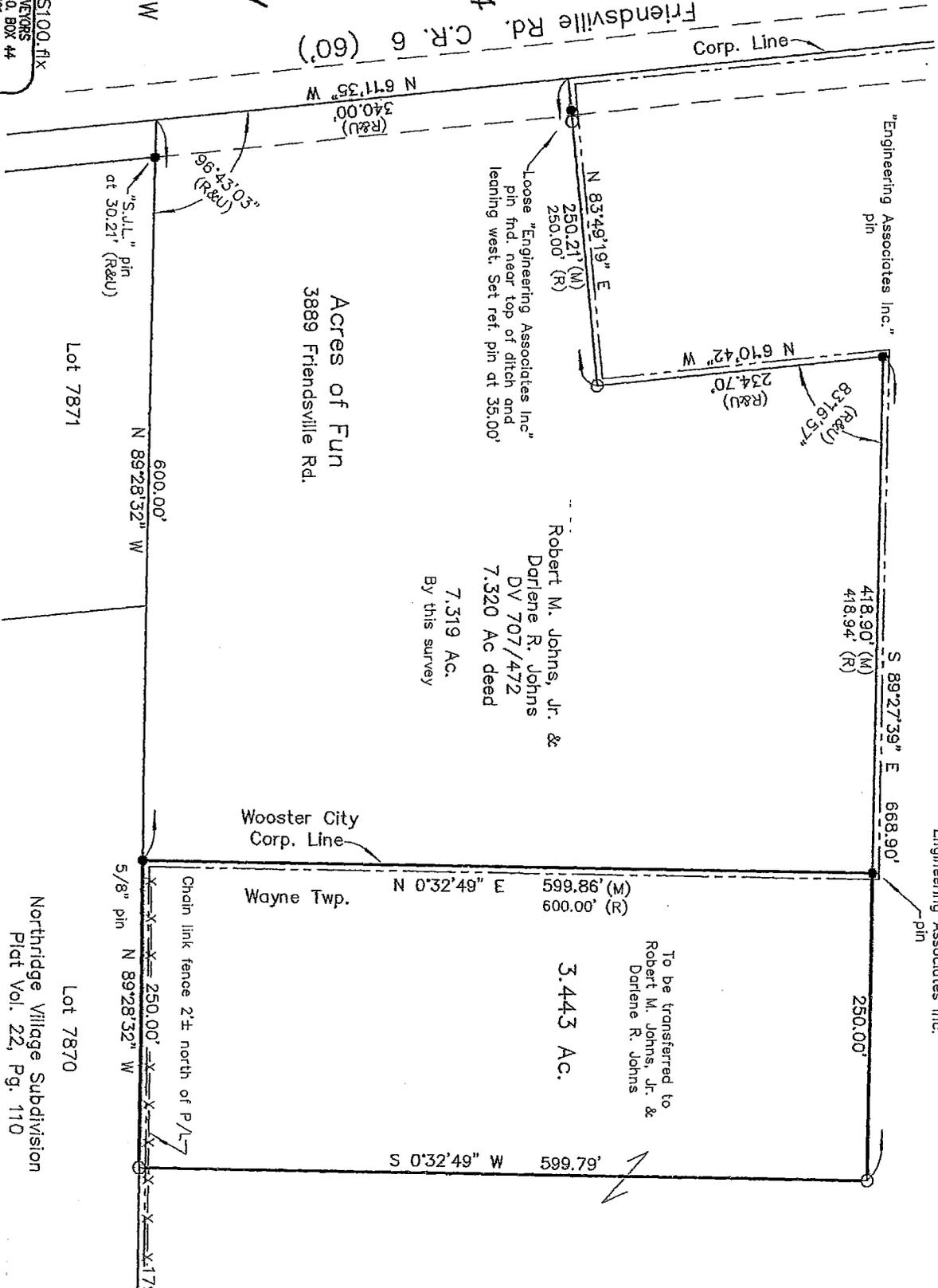
LEGEND:
 IN SET:
 1. Rod w/ Yellow I.D. Cap
 2. ARRE WOOSTER, OHIO
 3. MONUMENT FOUND:
 1. MONUMENT FOUND:
 1. MONUMENT FOUND:
 1. MONUMENT FOUND:



es of Fun Survey
 a New 3.443 Ac Parcel
 Wayne Township
 Tr. Sec. 21, T-16N, R-13W
 Wayne County, Ohio

2004

BARRE
 & ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 401 SOUTH MARKET ST. - P.O. BOX 44
 WOOSTER, OHIO 44691
 PH 330-284-9489 FAX 330-284-9162



PRELIMINARY LEGISLATION

~~Ordinance~~/Resolution No. 2011-35
PID No. 83433
Project Name WAY SR 0302 03.50

The following Resolution enacted by the City of Wooster of Wayne County, Ohio,
(Ordinance/Resolution)
hereinafter referred to as the City, in the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the State has identified the need for the described project:

The purpose of the project is to perform pavement repairs and resurface State Route 302 from the west edge of Wooster to the Ashland County Line.

Approximately 0.32 miles of this project is within the Wooster Corporation Limits.

Construction is tentatively scheduled to begin in 2011.

NOW THEREFORE, be it ordained by the City of Wooster of Wayne County, Ohio.

SECTION II - Consent Statement

Being in the public interest, the City gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The City shall cooperate with the Director of Transportation, for the portion of this project within the Wooster Corporation limit, as follows:

- 1) *ODOT agrees to assume and bear one hundred percent (100%) of the preliminary engineering costs, and environmental studies costs.*
- 2) *ODOT agrees to assume and bear eighty percent (80%) of the roadway construction and construction engineering costs;*
- 3) *The City agrees to assume and bear twenty percent (20%) of the roadway construction and construction engineering costs;*

SECTION III - Cooperation Statement continued.

- 4) *ODOT and the City agree that the following roadway construction items are eligible for 80%ODOT/20%City funding: Pavement planing, asphalt overlay, treatment of shoulder, height adjustment to existing guardrail, pavement markings, temporary and fast dry, adjustments to catch basins, man holes, valve boxes, etc, Mailbox supports & approaches and Work zone signs*
- 5) *ODOT agrees to assume and bear one hundred percent (100%) of the bridge related costs.*
- 6) *The City further agrees to pay One Hundred Percent (100%) of the cost of the following construction items, Pavement repair partial & full depth, Curbs, curb ramps, sidewalks, City owned signs, Guardrail- replacement of existing & required new locations, and those items requested by the City which are determined to be unnecessary by the State or Federal Highway Administration for the intent of this project.*

SECTION IV - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the City shall:

- 1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law;
- 2) provide ample financial provisions, as necessary, for the maintenance of the described project;
- 3) maintain the right-of-way, keeping it free of obstructions; and hold said right-of-way inviolate for public highway purposes.

**Request for Agenda Item
Authorization for Bid or Purchase of Capital Item**

Division Engineering	Meeting Date Requested March 7, 2011
Project Name ODOT Resurfacing SR302 West	Approved for Agenda
Estimated Total Cost \$8,000. Costs to be funded by existing SCMR O&M funds.	
Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded?	
Description Of Purchase This is a request to authorize ODOT to resurface SR302 from the west edge of Wooster to the Ashland County line. A portion of this section of roadway is inside the Wooster corp. limit, and a portion is outside. This legislation would also authorize cooperation with funding the City portion of the roadway. The City is agreeing to pay only 20% of the inside City corp. paving costs.	
Justification / Benefits The Ohio Department of Transportation has committed to funding 80% of the construction costs for this project in FY 2012, with construction taking place in 2011. The City will only be responsible for 20% of the construction costs located within the City corp. This would complete the paving of SR302 within the City limits.	
Will This Project Effect the City's Operating Costs This project should have little or no effect on the City's operating costs. Road maintenance should be reduced after the project is completed.	
What Alternatives Exist and What Are The Implications of The Alternatives We could do nothing and forfeit the ODOT funds.	
Is This A Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Explain The Circumstances This is a request to simply consent and cooperate with ODOT.	
Are You Requesting Suspension Of The Rules <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, Note Reasons Passage on first reading is not required, however, ODOT has requested that signed legislation be returned to them by March 31st.	
Division Manager Joel Montgomery	Date February 25, 2011

RESOLUTION NO. 2011-36

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR IMPROVEMENTS TO PORTAGE ROAD

WHEREAS, it is necessary to make improvements to Portage Road, between Cleveland Road and Highland Park Road, and the cost of such project is included in the capital plan for 2011; and

WHEREAS, this City Council deems that prompt action is necessary to complete the project to improve the safety of vehicular and pedestrian traffic within the area.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That the Director of Administration is hereby authorized to advertise according to law and enter into a contract with the lowest and best bidder for improvements to Portage Road, between Cleveland Road and Highland Park Road, in accordance with specifications now on file in his office.

SECTION 2. The cost of such contract/project will not exceed the amount budgeted in the 2011 Appropriations Budget adopted by this Council in Ordinance No. 2010-37.

SECTION 3. This Council finds and declares that all formal actions concerning and relating to the adoption of this Resolution occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 4. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Introduced: _____ Passed: _____ Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2011
Mayor

Introduced by: Jon E. Ulbright

**Request for Agenda Item
Authorization for Bid or Purchase of Capital Item**

Division Engineering	Meeting Date Requested March, 7, 2011
Project Name : Portage Road Resurfacing	Approved for Agenda
Estimated Total Cost \$214,500	
Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded? The costs for this project will be paid from existing SCMR and Permissive Tax fund budgets.	
Description Of Purchase This is a request to authorize advertisement and award of a contract to the lowest and best bidder for resurfacing and repairing the pavement on Portage Road between Cleveland Road and Highland Avenue.	
Justification / Benefits This project follows the waterline construction project completed in 2010. The trench and existing pavement have deteriorated, and significant pavement repair is needed near Highland Avenue.	
Will This Project Effect the City's Operating Costs This project should reduce maintenance costs by repairing a deteriorating road.	
What Alternatives Exist and What Are The Implications of The Alternatives Do nothing, and continue to patch holes as best as possible.	
Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances	
Are You Requesting Suspension Of The Rules <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Note Reasons While suspension of the rules is not necessary, earlier passage would allow the opportunity to advertise and bid this project as soon as possible in order to obtain the best possible bids.	
Division Manager Joel Montgomery	Date February 25, 2011

**Request for Agenda Item
Authorization for Bid or Purchase of Capital Item**

Division Engineering	Meeting Date Requested March, 7, 2011
Project Name : Oak Hill Park Trail construction	Approved for Agenda
Estimated Total Cost \$632,000	
Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded? The costs for this project will be paid from approximately \$532,000 of donated funds currently at the Wayne County Community Foundation, and \$100,000 authorized by Res. 2008-96 from the Capital Improvements Fund.	
Description Of Purchase This is a request to authorize advertisement and award of a contract to the lowest and best bidder for constructing the trail, parking lot and driveway, as well as all grading required for the pavillion site.	
Justification / Benefits This project is being constructed on land donated expressly for park and trail construction, with funds designated for this purpose. The City saved approximately \$80,000 in design fees when the Division of Engineering assumed the majority of tasks originally contracted to an engineering consultanting firm.	
Will This Project Effect the City's Operating Costs Operation and maintenace cost of the park should be minimal.	
What Alternatives Exist and What Are The Implications of The Alternatives None.	
Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances	
Are You Requesting Suspension Of The Rules <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Note Reasons While suspension of the rules is not necessary, earlier passage would allow the opportunity to advertise and bid this project as soon as possible in order to obtain the best possible bids.	
Division Manager Joel Montgomery	Date February 25, 2011