

**CITY COUNCIL AGENDA**

**April 18, 2011**

**7:30 p.m.**

**All meetings are held in Council Chambers, 1<sup>st</sup> 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**

1. Second Reading - ORDINANCE NO. 2011-09 AMENDING CHAPTER 108, MORAL CLAIMS BOARD, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO BY REVISING THE MEMBERSHIP OF THE BOARD (Buytendyk)
2. Second Reading - RESOLUTION NO. 2011-45 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR REPAIRS TO A CULVERT ON MELROSE DRIVE (NEAR WILDWOOD DRIVE), AND DECLARING AN EMERGENCY (Ulbright)

**VII. NEW BUSINESS**

1. First Reading - ORDINANCE NO. 2011-10 AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Ansel)
2. First Reading - RESOLUTION NO. 2011-47 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)
3. First Reading - RESOLUTION NO. 2011-48 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH GREG STARR BUILDERS FOR THE CONSTRUCTION OF RESTROOM FACILITIES AT OAK HILL PARK (Knapic)

**VIII. MISCELLANEOUS**

**IX. ADJOURNMENT**

ORDINANCE NO. 2011-09

AN ORDINANCE AMENDING CHAPTER 108, MORAL CLAIMS BOARD, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO BY REVISING THE MEMBERSHIP OF THE BOARD

WHEREAS, the current membership of the board includes the directors of finance and law, both of whom act in an advisory capacity to this Council; and

WHEREAS, the Mayor has recommended that the two directors should act in an advisory capacity to the Moral Claims Board, and its make-up should include the director of administration (as the city's operational head) and the chairs of those Council committees concerned with the service areas from which the majority of such claims originate.

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

SECTION 1. That Chapter 108, Moral Claims Board, of the Codified Ordinances of the city of Wooster, Ohio be amended at Section 108.01, ESTABLISHMENT, to read as follows:

**108.01 ESTABLISHMENT.**

There is hereby established a Moral Claims Board consisting of the ~~Director of Finance, the Director of Law and the President of Council~~ chairs of the Finance, Public Utilities and Infrastructure Committees; the Director of Administration; and one city resident appointed by the Mayor. The Mayor's appointee will serve for a term of four (4) years. The Director of Law shall act as secretary of the Board and be responsible for receiving applications to the Board, investigating the facts thereof and presenting the applications to the Board.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 3. This Ordinance shall take effect and be in full force from and after the earliest date allowed by law.

1st reading 4-4-11 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2011 Vote: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council President of Council

Approved: \_\_\_\_\_, 2011  
Mayor

Introduced by: Michael G. Buytendyk

RESOLUTION NO. 2011-45

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR REPAIRS TO A CULVERT ON MELROSE DRIVE (NEAR WILDWOOD DRIVE), AND DECLARING AN EMERGENCY

WHEREAS, a real and present emergency has arisen in connection with a culvert on Melrose Drive (near Wildwood Drive), in that recent freezing, thawing and flooding have caused the culvert to fail, such that it is necessary to authorize the a contract for repair thereof without competitive bidding for the safety of the general public; and the cost thereof is included in the capital plan for 2011.

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

SECTION 1. That in accordance with W.C.O. section 160.03(e), the Director of Administration is authorized to enter into a contract without competitive bidding for repair services for the culvert on Melrose Drive (near Wildwood Drive).

SECTION 2. The cost of such contract 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 is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action was necessary to alleviate a dangerous condition on Melrose Drive; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 4-4-11 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2011 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**

<b>Division</b> Engineering	<b>Meeting Date Requested</b> April 4, 2011
<b>Project Name</b> :Melrose Drive Improvements - Culvert Replacement	<b>Approved for Agenda</b>
<b>Estimated Total Cost</b> \$30,000	
<b>Is Full Amount Budgeted</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If No, How Is The Purchase To Be Funded?</b> The costs for this project have been budgeted in various funds for the Melrose Drive Improvement Project.	
<b>Description Of Purchase</b> This is a request to award a contract without bidding on an emergency basis for replacement of a failed, CMP culvert under Melrose Drive near Wildwood Drive. Culvert replacement costs may be under \$25,000, depending on the extent of the work required, but final cost will not be known until the culvert is exposed and replaced.	
<b>Justification / Benefits</b> This culvert was scheduled to be replaced as part of the Melrose Drive Improvement Project later this year, but recent freezing, thawing and flooding have caused the culvert to fail. The culvert has been temporarily repaired, but will most likely need to be replaced before the roadway project is awarded.	
<b>Will This Project Effect the City's Operating Costs</b> This project should reduce maintenance costs by repairing a deteriorating drainage system.	
<b>What Alternatives Exist and What Are The Implications of The Alternatives</b> Do nothing, and hope the repair lasts until later this year; or, wait for the culvert to fail completely, then close the road until the roadway project is under construction.	
<b>Is This A Sole Source Bid or Non-Bid Situation</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If Yes, Explain The Circumstances</b> If complete culvert failure becomes imminent, road closure would be required for over a month if the bid process is followed.	
<b>Are You Requesting Suspension Of The Rules</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If Yes, Note Reasons</b> The culvert could completely fail at any time, especially if an intense, long duration rain event is experienced.	
<b>Division Manager</b> Joel Montgomery	<b>Date</b> March 28, 2011



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

Division Police Project Name Justice Center Sewer Project Requested Meeting Date April 18, 2011

- Approved for Agenda  
 Full Amount is Budgeted

If not, how is purchase to be funded?

Description of Purchase

The main sewer line serving the east side of the Justice Center collapsed several weeks ago. After several tests, it was determined that the main line and several lateral lines feeding into that line need to be replaced. These lines are 30 years old and are cast iron.

After an engineering study, the Wayne County Commissioners put the project out to bid. On April 6, they voted to accept Schmid Mechanical's bid of \$89,627. The City's portion is 29% or \$25,991.83. In anticipation of the possibility of other costs we are requesting \$32,000.

The money is budgeted under Object # 2370 (Contracts) and needs transferred into Capital. Any money not spent will be returned.

Justifications / Benefits

Functioning sewers are vital and necessary. The only public rest rooms in the building are currently non-functioning. By replacing the lines now with up to date materials, the building can continue to be used for several more years.

How will this project effect the City's operating budget?

No effect.

What alternatives exist, and what are the implications of the alternatives?

There are not alternatives short of moving out of the Justice Center.

Sole Source Bid or Non-Bid Situation?

If Yes, explain the circumstances

Requesting suspension of the rules?

If Yes, explain reasons.

Work is scheduled to begin sometime the week of April 11.

Division Manager

Chief Steven D. Glick, CLEE

Date

April 7, 2011

Resolution No. 2011-47

PID No. 83433  
Project No. \_\_\_\_\_ (2011)

### FINAL RESOLUTION

The following Final Resolution enacted by the City of **Wooster**, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, on **7th day of March, 2011** the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

**This project will include pavement planning, pavement repair, resurfacing, guardrail, structure work and pavement marking on State Route 302, lying within the City of Wooster; and**

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

**The City agrees to assume and bear the entire cost and expense of the improvement, less the amount of Federal-aid and State funds set aside by the Director of Transportation for the financing of this improvement as indicated in the construction plans.**

The share of the cost of the LPA is now estimated in the amount of **Three Thousand Five Hundred Eighty and - - - 00/100 Dollars, (\$3,580.00)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.





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

<b>Division</b> Engineering	<b>Meeting Date Requested</b> April 18, 2011
<b>Project Name</b> : Oak Hill Park Restroom Construction	<b>Approved for Agenda</b>
<b>Estimated Total Cost</b> \$25,000	
<b>Is Full Amount Budgeted</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If No, How Is The Purchase To Be Funded?</b> The costs for this project will be paid from approximately \$542,000 of donated funds currently at the Wayne County Community Foundation, and \$100,000 authorized by Res. 2008-96 from the Capital Improvements Fund.	
<b>Description Of Purchase</b> This is a request to authorize entering into a contract for constructing the restroom facility at the park site. The cost is below the amount requiring bidding, and the contract can therefore be awarded to a contractor without the bidding and advertisement process. The request is to enter into a contract with Greg Starr Builders.	
<b>Justification / Benefits</b> This project is being constructed on land donated expressly for park and trail construction, with funds designated for this purpose. The restroom is also needed for the housing of the electrical panels, inverter and interconnection of the solar facilities already incorporated into the pavillion construction.  Greg Starr builders has constructed the last 4 buildings of similar construction for the City's parks and Utilities divisions, and is familiar with the City's specifications and requirements.	
<b>Will This Project Effect the City's Operating Costs</b> The restroom will be split block construction with minimal fixtures, so operation and maintenace cost of the restroom should be minimal.	
<b>What Alternatives Exist and What Are The Implications of The Alternatives</b> We could not build the restroom, which would then require the construction of a smaller building or large, weatheproof cabinet and foundation to house the electrical components necessary for utilization of the solar panels which have already been donated.	
<b>Is This A Sole Source Bid or Non-Bid Situation</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If Yes, Explain The Circumstances</b> The estimated cost and quotes are below the bidding threshold established by City ordinance and Ohio revised code.	
<b>Are You Requesting Suspension Of The Rules</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>If Yes, Note Reasons</b> While suspension of the rules is not necessary, earlier passage would allow the for easier coordination with the electrical work.	
<b>Division Manager</b> Joel Montgomery	<b>Date</b> April 8, 2011