

## **CITY COUNCIL AGENDA**

**June 4, 2012**

**7:30 p.m.**

**The meeting will be held at City Hall, in Council Chambers, 1<sup>st</sup> Floor, 538 N. Market Street, Wooster, Ohio.**

### **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**

**PUBLIC HEARING:** Two petitions to vacate portions of intersecting public alleys: 1) 380' public alley running in an east/west direction from N. Market Street to N. Buckeye Street. 2) 128.75' alley running in a north/south direction from N. Buckeye to Bowman.

### **VI. OLD BUSINESS**

### **VII. NEW BUSINESS**

1. First Reading - ORDINANCE NO. 2012-18 VACATING SLOANE COURT IN THE CITY OF WOOSTER (Ulbright)
2. First Reading - ORDINANCE NO. 2012-19 VACATING A PORTION OF AN UNNAMED ALLEY IN THE CITY OF WOOSTER (VICINITY OF SLOANE COURT) (Ulbright)
3. First Reading - ORDINANCE NO. 2012-20 AN ORDINANCE AMENDING CHAPTER 945, COLLECTION AND DISPOSAL OF WASTE MATERIALS AND RECYCLABLES, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY THE CREATION OF A DOWNTOWN WASTE COLLECTION PROGRAM (Knapic)
4. First Reading - RESOLUTION NO. 2012-60 PROVIDING FOR THE ANNUAL TAX BUDGET FOR 2013 (Ansel)
5. First Reading - RESOLUTION NO. 2012-61 AUTHORIZING THE PUBLIC WORKS ADMINISTRATOR TO ENTER INTO A CONTRACT WITH PARADISE LAWN CARE, INC. OF SMITHVILLE, OHIO FOR LEAF COMPOSTING SERVICES (Sanders)

### **VIII. MISCELLANEOUS**

### **IX. ADJOURNMENT**

ORDINANCE NO. 2012-18

AN ORDINANCE VACATING SLOANE COURT IN THE CITY OF WOOSTER

WHEREAS, the owners of Lot Nos. 504, 519, 1594 and 1598 have petitioned for the vacation of Sloane Court, a twenty (20) foot public alley located between those lots and running in an east/west direction, in between N. Buckeye and N. Market Streets, as shown by the attached petition to vacate and map thereof; and

WHEREAS, the petitioners, as owners of all of the land abutting the alley in the area of the proposed vacation, have given written consent by virtue of the petition attached hereto, thus obviating the need for notice by publication; and

WHEREAS, this City Council is satisfied that there is good cause for vacating said alley, and that it will not be detrimental to the general interest of the public.

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

SECTION 1. That Sloane Court, a twenty (20) foot public alley running in an east/west direction between Lot Nos. 504, 519, 1594 and 1598, as shown on the map attached hereto, be, and hereby is, vacated, and the abutting property owners are vested with a fee simple interest in one-half of the width of the strip of land which formerly comprised the alley, in accordance with the rule announced in *Taylor v. Carpenter*, 45 Ohio St.2d 137.

SECTION 2. The Clerk of Council is hereby directed to certify a copy of this Ordinance, together with a map of the vacated alley, and record the same in the Office of the Recorder of Wayne County, Ohio.

SECTION 3. 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 4. This Ordinance shall take effect and be in full force from and after the earliest date allowed by law.

1st reading \_\_\_\_\_ 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2012 Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2012  
Mayor

Introduced by: Jon E. Ulbright

**CITY OF WOOSTER**  
**PETITION TO VACATE ALLEY**

TO THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

The undersigned, owners of lots in the City of Wooster, Ohio, abutting on a 380' foot public alley running in a east/west direction from N. Market to N. Buckeye between lot numbers 1598, 519, 504, 1594.

(east/west/north/south) (street name/alley description) (street name/alley description) (numbers of all lots abutting the alley to be vacated)

respectfully petition your honorable body that said alley be vacated between the points named for the reason that it no longer serves a public purpose, and its vacation will not be detrimental to the general interest. The undersigned do hereby consent to the vacation of said alley in accordance with this petition filed within said Council.

**Owner's signature(s)**

**Lot number**

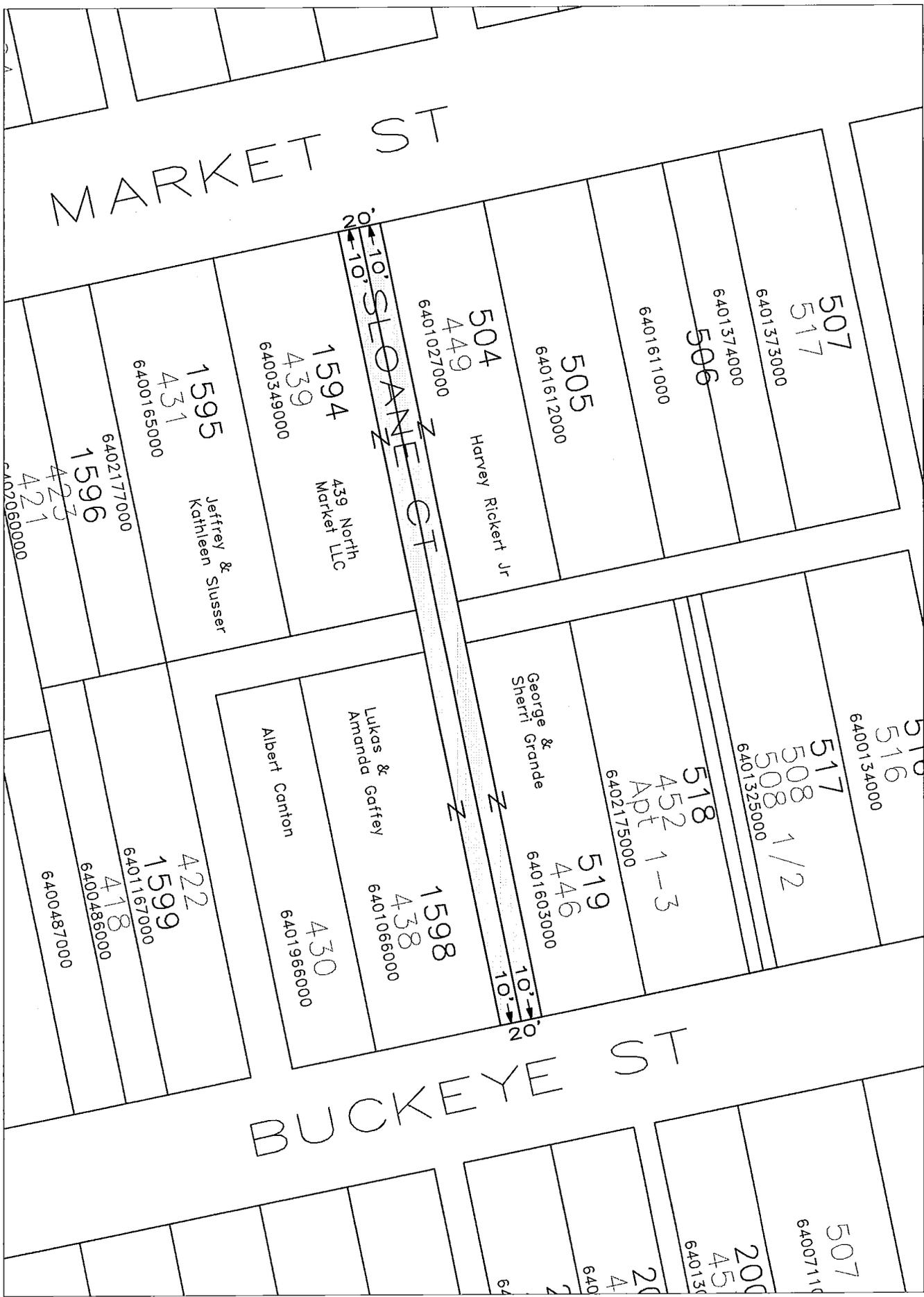
Each owner must sign. If jointly owned, all parties must sign.

<u>[Signature]</u>	and	<u>[Signature]</u>	<u>1598</u>
<u>[Signature]</u>	and	<u>[Signature]</u>	<u>519</u>
<u>[Signature]</u>	and	<u>[Signature]</u>	<u>504</u>
<u>[Signature]</u>	and	<u>[Signature]</u>	<u>1594</u>
_____	and	_____	_____
_____	and	_____	_____
_____	and	_____	_____
_____	and	_____	_____
_____	and	_____	_____
_____	and	_____	_____
_____	and	_____	_____
_____	and	_____	_____
_____	and	_____	_____

(continue on another sheet if needed)

**ATTACH A TAX MAP SHOWING THE ALLEY AND ALL ABUTTING PROPERTIES**  
**PLEASE READ THE INFORMATION PRINTED ON THE BACK OF THIS PETITION**

# Proposed 20' Alley Vacation



Scale: 1"=60'

ORDINANCE NO. 2012-19

AN ORDINANCE VACATING A PORTION OF AN UNNAMED ALLEY IN THE CITY OF WOOSTER (VICINITY OF SLOANE COURT)

WHEREAS, the owners of Lot Nos. 504, 519, 1594 and 1598 have petitioned for the vacation of a portion of a twenty (20) foot public alley located between those lots and running in a north/south direction, on either side of Sloane Court and in between N. Buckeye and N. Market Streets, as shown by the attached petition to vacate and map thereof; and

WHEREAS, the petitioners, as owners of all of the land abutting the alley in the area of the proposed vacation, have given written consent by virtue of the petition attached hereto, thus obviating the need for notice by publication; and

WHEREAS, this City Council is satisfied that there is good cause for vacating said alley, and that it will not be detrimental to the general interest of the public.

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

SECTION 1. That a portion of a twenty (20) foot public alley running in a north/south direction between Lot Nos. 504, 519, 1594 and 1598, as shown on the map attached hereto, be, and hereby is, vacated, and the abutting property owners are vested with a fee simple interest in one-half of the width of the strip of land which formerly comprised the alley, in accordance with the rule announced in *Taylor v. Carpenter*, 45 Ohio St.2d 137.

SECTION 2. The Clerk of Council is hereby directed to certify a copy of this Ordinance, together with a map of the vacated alley, and record the same in the Office of the Recorder of Wayne County, Ohio.

SECTION 3. 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 4. This Ordinance shall take effect and be in full force from and after the earliest date allowed by law.

1st reading \_\_\_\_\_ 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2012 Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2012  
Mayor

Introduced by: Jon E. Ulbright

Mr.

**CITY OF WOOSTER**  
**PETITION TO VACATE ALLEY**

TO THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

The undersigned, owners of lots in the City of Wooster, Ohio, abutting on a 128.75' foot  
public alley running in a north/south direction from N. Buckeye to  
(east/west/north/south) (street name/alley description)  
Bowman between lot numbers 1598, 519, 504, 1594,  
(street name/alley description) (numbers of all lots abutting the alley to be vacated)

respectfully petition your honorable body that said alley be vacated between the points named for the reason that it no longer serves a public purpose, and its vacation will not be detrimental to the general interest. The undersigned do hereby consent to the vacation of said alley in accordance with this petition filed within said Council.

**Owner's signature(s)**

Each owner must sign. If jointly owned, all parties must sign.

**Lot number**

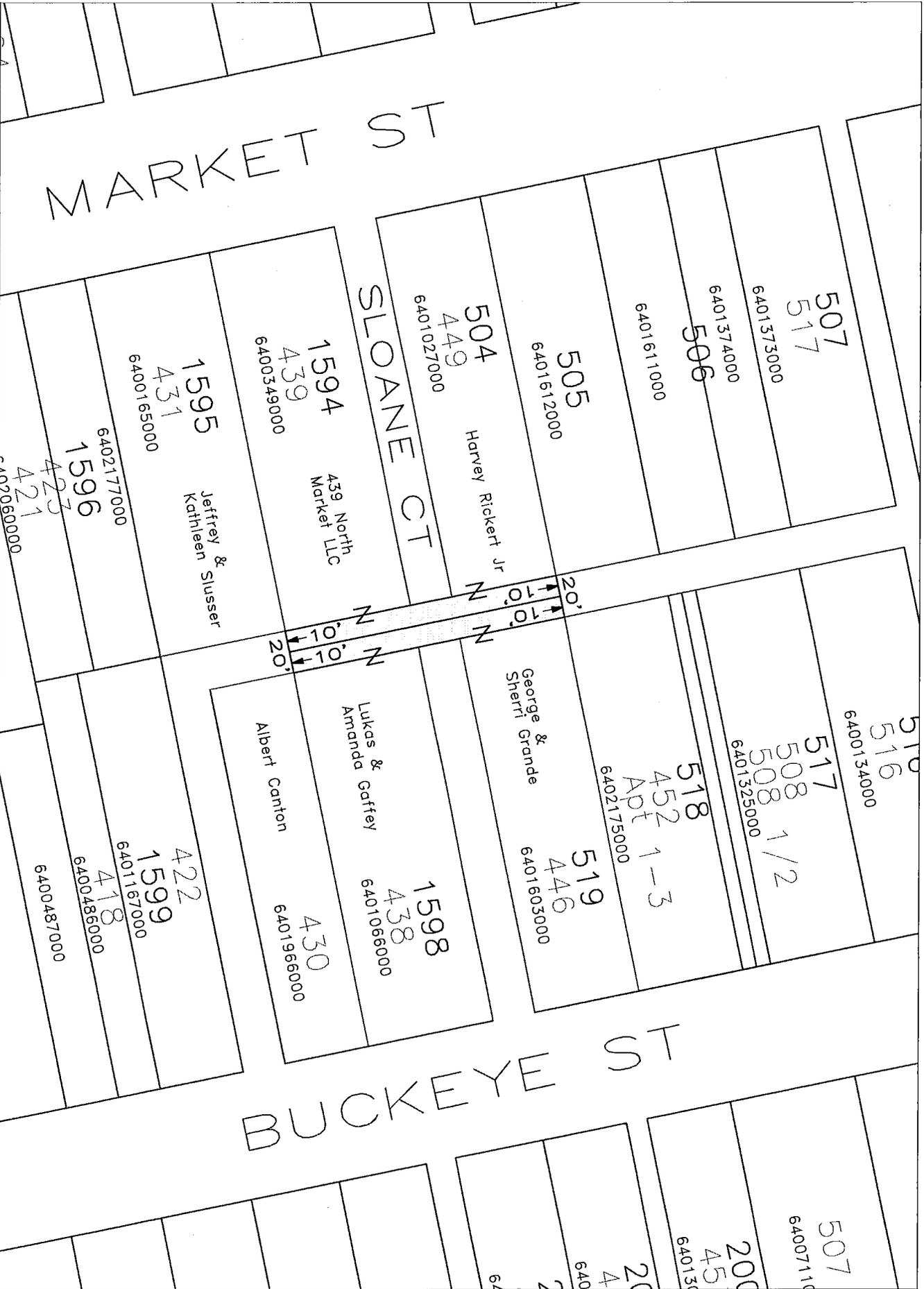
<u>[Signature]</u>	and	<u>[Signature]</u>	<u>1598</u>
<u>[Signature]</u>	and	<u>[Signature]</u>	<u>519</u>
<u>[Signature]</u>	and	<u>[Signature]</u>	<u>504</u>
<u>[Signature]</u>	and	<u>[Signature]</u>	<u>1594</u>
_____	and	_____	_____
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_____	and	_____	_____
_____	and	_____	_____

(continue on another sheet if needed)

**ATTACH A TAX MAP SHOWING THE ALLEY AND ALL ABUTTING PROPERTIES**

**PLEASE READ THE INFORMATION PRINTED ON THE BACK OF THIS PETITION**

Proposed 20' Alley Vacation



Scale: 1"=60'

ORDINANCE NO. 2012-20

AN ORDINANCE AMENDING CHAPTER 945, COLLECTION AND DISPOSAL OF WASTE MATERIALS AND RECYCLABLES, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY THE CREATION OF A DOWNTOWN WASTE COLLECTION PROGRAM

WHEREAS, the Mayor, upon the advice of staff, has recommended the creation of a mechanism by which solid waste generated by businesses and other entities located in the Central Business District can be collected at designated locations within the district, thereby reducing the number of dumpsters within the district.

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

SECTION 1. That Chapter 945, Collection and Disposal of Waste Materials and Recyclables, of the Codified Ordinances of the city of Wooster, Ohio be amended at Section 945.03, COLLECTION AND DISPOSAL, to read as follows:

945.03 COLLECTION AND DISPOSAL.

(a) Residential Disposal. [No change]

(b) Nonresidential Disposal. All solid waste and other waste from commercial, industrial, institutional and other nonresidential premises, including apartments and condominium complexes with three or more units, shall be collected and disposed of by persons, firms or corporations authorized to do so in accordance with the provisions of Section 945.08, except that apartments and condominium complexes with three or more units which meet the definition at Section 945.01(j) may, at the discretion of the Mayor or his/her designee, be included for purposes of residential disposal in subpart (a). No person, firm or corporation shall dump, allow to be dumped or permit construction waste, hazardous waste, infectious waste or solid waste to be dumped in the open, nor permit or allow solid waste to remain in containers uncollected for a period exceeding seven consecutive days.

(1) *Notwithstanding the foregoing, entities located within the Central Business District are eligible to participate in the Downtown Waste Collection Program, by which waste collection receptacles will be placed at designated locations within the Central Business District and participants will be billed on a monthly basis for the use thereof. Entities must apply to the mayor or his/her designee for participation in the program, and once approved, may place their solid waste for collection at one of the designated locations. Charges for this service will be established and collected in accordance with Section 945.07.*

(c) Individual Disposal. [No change]

(d) Placing of Solid Waste for Collection; Maintenance of Containers.  
[No change]



**Request for Agenda Item  
Non-Capital**

**Division** Administration Meeting Date Requested June 4, 2012

**Project Name** Downtown Waste Collection Program  **Approved for Agenda**

**Description** (be as descriptive as possible, given space limitations)

**Description of Project:** The City Administration, with support from Main Street Wooster and various downtown merchants seek to revise codified ordinance section 945.03, "Collection and Disposal" to include an additional item which is:

The establishment of a Downtown Waste Collection Program for non-residential waste disposal in the City of Wooster's Central Business District.

This section would establish an application process and charges for use of City operated dumpsters in the downtown area.

**Justification\Benefits:** The proposed revision would create a Downtown Waste Collection Program that would permit the City to charge for and manage waste disposal in the Central Business District.. The desire to implement this program stems primarily from the significant number of redevelopment projects that have been undertaken in the last 5-7 years. This increase in commerce has created a number of scenarios where private dumpsters and trash receptacles have been located in various locations throughout the Central Business District. Many of the areas are not attractively screened and are located in undesirable areas that impede efficient traffic flow, are many times a hazard to pedestrians and are an eyesore for neighboring property owners/businesses (see attached photos). Additionally, many of these privately owned dumpsters are serviced by various waste management companies (Republic, J&J, Waste Management) resulting in a multitude of trucks converging on the central business district. This creates significant noise pollution for downtown residents, a drastic increase in the amount of "run off" from the trucks and occasionally a difficulty with downtown parking arrangements.

**Operating Cost of the Program?** The proposed program will be designed to cover all monthly costs associated with setting up the city dumpster collection system. The program would be a sole source contract that would benefit from the City of Wooster's purchasing power with the Waste Management Companies. This would decrease refuse truck traffic flow in the Central Business District and likely offer the downtown merchants a savings by participating in a more robust collection system.

**Is there a need for rules suspension or time limitation when this must be passed?**

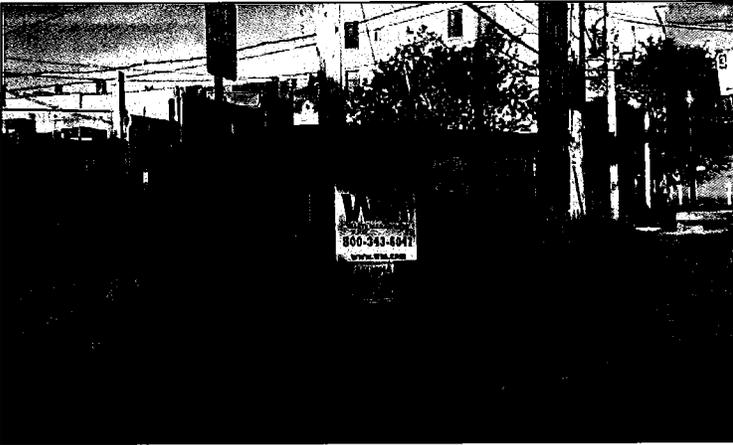
No, however a swift approval would allow Administration to work with Main Street in to begin implementing the program. There are multiple tenants and locations that are waiting to benefit from this program

**Manager Requesting** Justin Starlin – Joel Montgomerv

**Date** May 2<sup>nd</sup> 2012

**Approved for Agenda**

Exhibit B – Current Condition Photos







**REQUEST FOR AGENDA ITEM  
AUTHORIZATION FOR CONTRACT**

Division: **Public Properties Maintenance**

Meeting Date Requested: **June 4, 2012**

Project Name: **Leaf Disposal**

Approved for Agenda: \_\_\_\_\_

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1. Estimated Total Cost: **Not to exceed budgeted amount. Estimated cost is \$4,800 per year for 5 years, or \$24,000 total.**
2. Is the full amount budgeted? **YES** or NO. If no, how is the purchase to be funded? **Funds are available in the Storm Sewer Fund.**
3. Description of Purchase: **Request to renew the contract for leaf disposal with Paradise Lawn Care.**
4. Justification\Benefits: **The City collects leaves every year to keep the streets and storm sewers clean. These leaves must be disposed of in an environmentally safe manner, and Paradise Lawn Services provides composting and other facilities for this purpose, is licensed by EPA, and is a local company. The City has contracted with paradise for over thirteen (13) years for these services.**
5. Will this project affect the city's operating costs? **No as this has been an ongoing expense.**
6. What alternatives exist and what are the implications of the alternatives. **We have investigated other firms, as well as other disposal methods, but none have been as cost effective or efficient.**
7. Is this a sole source request? **YES** NO If yes, explain the circumstances: **This request is under the \$25,000, and can be awarded to a contractor without bidding. In addition, Paradise is a licensed, local firm who has provided these services to the City without cost increases for many years.**
8. Are you requesting suspension of the rules and passage on one reading? If yes, note reasons. **No. However, the current, five (5) contract is set to expire on June 30<sup>th</sup>, and the contract would need to be approved prior to disposing of any leaves or other materials.**

\_\_\_\_\_  
Joel Montgomery  
Public Works Administrator

Date: May 31, 2012

*Res #61*