

## CITY COUNCIL AGENDA

July 5, 2011

7:30 p.m.

The meeting will be held at the WOOSTER COMMUNITY CENTER, 241 S. Bever 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: Zoning amendment for 238 East Larwill Street from an R-T (Traditional Residential) District to a C-1 (Office-Institutional) District.

PUBLIC HEARING: Petition for the vacation of a 10 foot public alley running to the west from Lucca Street, north of Rebecca Street, between lot numbers O.L. 91, 6866, 1547 and 1548.

### VI. OLD BUSINESS

1. Third Reading - ORDINANCE NO. 2011-17 VACATING A PORTION OF GASCHE STREET, BETWEEN WAYNE AVENUE AND UNIVERSITY STREET (Ulbright)

2. Third Reading - RESOLUTION NO. 2011-55 PROVIDING FOR THE ANNUAL TAX BUDGET FOR 2012 (Ansel)

3. Second Reading - ORDINANCE NO. 2011-18 VACATING AN ALLEY IN THE CITY OF WOOSTER (WEST OF LUCCA STREET) (Ulbright)

4. Second Reading - ORDINANCE NO. 2011-19 AMENDING TITLE ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, SO AS TO RE-ZONE LAND TO A C-1 (OFFICE-INSTITUTIONAL) DISTRICT FOR PROPERTY LOCATED AT 238 EAST LARWILL STREET (Buytendyk)

### VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2011- 20 AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Ansel)

2. First Reading - ORDINANCE NO. 2011-21 AMENDING VARIOUS SECTIONS OF CHAPTER 923, SEWERAGE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO (Buytendyk)

3. First Reading - RESOLUTION NO. 2011-62 AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT FOR A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT, TO ACCEPT SUCH MONIES, IF AWARDED; TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY (Ansel)

4. First Reading - RESOLUTION NO. 2011-63 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE BULLET PROOF VESTS FOR THE POLICE DIVISION (Steiner)

5. First Reading - RESOLUTION NO. 2011-64 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH RVI, INC. OF WOOSTER, OHIO FOR THE CLEANING OF THE STRIPPING TOWERS IN THE SOUTH WELL FIELD, AND DECLARING AN EMERGENCY (Silvestri)

6. First Reading - RESOLUTION NO. 2011-65 DECLARING IT NECESSARY TO IMPROVE MELROSE DRIVE BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, PAVING, RESURFACING, CONSTRUCTING CURBS, GUTTERS, SIDEWALKS AND DRIVEWAY APPROACHES, CONSTRUCTING A TURNING LANE, INSTALLING STORM SEWERS, CATCH BASINS, MANHOLES, WATER MAINS, FIRE HYDRANTS, AND TRAFFIC CONTROL SIGNS AND DEVICES, AND ACQUIRING ANY REAL ESTATE AND INTERESTS THEREIN REQUIRED THEREBY, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY (Ulbright)
7. First Reading - RESOLUTION NO. 2011-66 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE REPLACEMENT OF THE WATER LINE SERVING A PORTION OF BURBANK ROAD, AND DECLARING AN EMERGENCY (Silvestri)

**VIII. MISCELLANEOUS**

**IX. ADJOURNMENT**



**Request for Agenda Item  
Non-Capital**

**Division**  **Meeting Date Requested**

**Project Name**   **Approved for Agenda**

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

Dick please prepare legislation to appropriate (from unappropriated balances) \$180,000 in each the Police Pension Fund and the Fire Pension Fund. The reason we need to do this is because we liquidated purchase orders in each fund at the end of 2010. Had we kept them open, they would have automatically been added to the 2011 appropriations budget.

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

No

**Manager Requesting**

**Date**

**Approved for Agenda**



## EXHIBIT A

### **923.01 DEFINITIONS.**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) to (5) [No change]

(6) "Director" means the Director of ~~Public Works~~ Administration of the City or his/her ~~authorized deputy, agent or representative~~ designee.

(7) to (46) [No change]

(47) "Sewer Fund Reserve Account" means a portion of the sewer fund placed in reserve for necessary annual capital expenditures for maintenance, replacement, upgrade and repair to capital items within the sewage treatment, storage, pumping and collection system.

(48) "Septage" means the materials, both liquid and solid, removed from a septic tank or other sanitary holding facility. It contains only domestic wastewater.

### **923.04 PROHIBITED DISCHARGES; PRETREATMENT.**

(a) [No change]

(b) [No change]

(c) [No change]

(d) [No change]

(1) [No change]

(2) [No change]

(3) [No change]

(4) [No change]

(5) Any noxious or malodorous liquids, gases or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient in strength to prevent entry into the sewers for their maintenance and repair. When present, it shall be the sole responsibility of the owner to control or eliminate the emission of noxious or offensive odors emanating from the owner's facility into the sewer system, and the Director may require an owner whose facility is discharging such noxious or offensive odors to take all necessary steps to eliminate such odors from the sewer system.

(6) to (12) [No change]

(e) Limitations on Wastewater Strength.

(1) Local limits. No discharger shall discharge wastewater containing pollutant quantities in excess of the limits enumerated in their industrial discharge permit as issued in accordance with Section 923.05.

(2) National Categorical Pretreatment Standards. National Categorical Pretreatment Standards as promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all dischargers of the regulated industrial categories.

(3) State requirements. State requirements and limitations on discharges to the POTW shall be met by all dischargers which are subject to such standards.

(f) Provisions for Modifying Standards. [No change]

(g) Dilution. [No change]

(h) Accidental Discharges. [No change]

(i) Pretreatment Facilities. [No change]

(j) Sanitary Sewers. [No change]

(k) Interceptors Required. [No change]

(l) Maintenance of Interceptors. [No change]

**923.06 MONITORING AND REPORTING REQUIREMENTS.**

(a) Local Limits. [No change]

(b) Categorical Pretreatment Standards Compliance Reports. [No change]

(c) Final Status Reports. [No change]

(d) Compliance Schedule. [No change]

(e) Operating Upsets. [No change]

(f) Monitoring Facilities. [No change]

(g) Sampling and Measurement of Industrial Discharges.

(1) Measurement of flow.

A. The volume of flow used for computing industrial waste surcharges shall be the metered water consumption or metered effluent discharge of the discharger as shown in the records of meter readings maintained by the City ~~Water~~ Department Utilities Division.

B. [No change]

(2) to (4) [No change]

(h) Notification of Changes in Discharges, Including Hazardous Wastes. [No change]

(i) Confidential Information. [No change]

## EXHIBIT B

### **923.07 ~~INDUSTRIAL WASTE SEWAGE RATES~~ SEPTAGE RECEIVING.**

~~(EDITOR'S NOTE: This section was repealed by Ordinance 1988-10, passed February 1, 1988.)~~

#### (a) General Requirements for Registration and Use

- (1) All users of the facility are required to submit to the Director, on or before July 30<sup>th</sup> of each year, a registration for septage handlers / pumpers (or similar document) issued by the Wayne County Health Department or other appropriate Ohio health department. Failure to produce the required registration will result in immediate suspension of the users disposal privileges at the Septage Receiving Facility ("SRF").
- (2) Each user must submit an application on the designated form and pay an annual non-refundable application fee as outlined on the Schedule of Fees and Charges.
- (3) Entrance into the SRF will be by means of an electronic key card system. One card will be assigned to each truck. This card will be used to open the security gate at the SRF.
  - (A) The Director will charge a card fee as indicated on the Schedule of Fees and Charges for each card issued, as well as any replacements thereof, including upgrades to the card system.
  - (B) All truck drivers/owners will be required to register with the Director. A copy of the driver/owner's drivers license shall be kept on file by the Director until such time as the driver is no longer employed by the owner. From time to time the Director may ask for verification of the current license on file. The Director may conduct or cause to be conducted a criminal background check of all truck persons/drivers. Additionally, each driver may be photographed and fingerprinted.
  - (C) No card will be issued to any person for whom there is an active warrant, or who has been convicted of a felony or any crime of dishonesty or false statement, including but not limited to, theft, receiving stolen property, or falsification.
  - (D) Upon termination of a driver's employment with the company, it is the responsibility of the driver's employer to promptly inform the Director of that fact, and to do so no later than the day of such termination.
  - (E) It will be a violation of these regulations for a user to share cards between trucks unless a specific written exemption is granted by the Director in advance thereof.

- (4) Each user vehicle shall have the proper fittings to be compatible with the influent line for the SRF.
- (5) Each user shall maintain the SRF in a clean and orderly manner during and after use.
- (6) Each user must properly complete a waste manifest form and deposit it at the designated receptacle at the SRF.
- (7) All persons using the SRF are required to familiarize themselves with the provisions of Chapter 923 of the Codified Ordinances of the City of Wooster, the provisions of which are incorporated herein by reference.
- (8) All persons are charged with liability under these regulations for the acts and omissions of any person acting as their agent, assign, employee or subcontractor whether or not that agent, assign, employee or subcontractor is acting within the scope of their authority.
- (9) The Director may develop additional administrative policies governing the operation of the SRF to ensure proper, reliable and orderly operation.

(b) Restrictions on Waste That will be Accepted by the Facility

- (1) Only domestic waste or septage will be accepted at the SRF, except as specified in subsection (c) hereof.
- (2) For purposes of these regulations, each user shall be bound to observe the prohibitions set forth in Section 923.04 of the Codified Ordinances of the City of Wooster.
- (3) The Director maintains the right to refuse waste at any time if, in his/her opinion the waste has the potential to cause an upset or interference with the plant operations; or may cause a violation of the plant's discharge permit; or is otherwise in violation of the rules and regulations of the SRF or plant.
- (4) City personnel may, at their discretion, sample each load of waste either by manual grab or by the use of automatic discrete sampling.
- (5) The Director shall regulate the acceptance of any waste that any person desires to discharge to the facility pursuant to the criteria set forth in Section 923.04 of the Codified Ordinances of the City of Wooster including, but not limited to, requiring payment by the user causing said discharge to cover the added cost of handling and treatment of the waste.
- (6) Rates will be charged to the owner of the access card. Fees are as listed on the Schedule of Fees and Charges.

(c) Special Procedure Regarding Commercial/Industrial Waste

- (1) Commercial/industrial waste will be accepted under limited circumstances as follows:
  - (A) Only industrial or commercial waste preapproved by the Director will be accepted.

- (B) Only non-hazardous waste will be accepted.
  - (C) All materials brought into the SRF shall comply with all federal and state regulations for trucked waste.
  - (D) All commercial/industrial loads coming to the SRF are required to pass a toxicity test prior to approval for discharge.
  - (E) Times for sampling and discharge must be arranged prior to bringing the load to the plant site. The sample taken at this time must pass the toxicity test in order to be accepted for discharge.
  - (F) The Director may require the user/person to submit all MSDS sheets for chemicals used at the commercial/industrial site of origin.
- (d) Insurance Requirements. Each user of the SRF shall provide a Certificate of Insurance naming the City of Wooster as an additional insured for coverage in the increments specified herein. Such Certificate shall also contain a provision that the Director is entitled to no less than fifteen (15) days advance notice before the certification of coverage will be cancelled.
- (1) Proof of current Worker's Compensation coverage.
  - (2) Commercial General Liability Insurance
    - (A) General Aggregate Limit of One Million Dollars (\$1,000,000.00).
    - (B) Products – Completed Operations Aggregate Limit of One Million Dollars (\$1,000,000.00).
    - (C) Each Occurrence Limit one million dollars (\$1,000,000.00)
  - (3) Comprehensive Automobile Liability Insurance
    - (A) Bodily Injury and Property Damage Liability Limit
    - (B) Aggregate Limit one million dollars (\$1,000,000.00)
    - (C) Each Occurrence Limit one million dollars (\$1,000,000.00)
  - (4) User agrees to keep and hold the City of Wooster harmless from and against all costs, damages, claims or expenses it may sustain in its operation as a waste hauler.
- (e) Billing
- (1) The owner of the access card will be invoiced as a customer of the City of Wooster sewer system. The payment and billing procedures of Chapter 923.14 of the Codified Ordinances of the City of Wooster shall apply.
  - (2) Payments will be due upon receipt of the invoice.
  - (3) Failure to maintain the account in good standing will result in the disabling of the owners access card(s) until all charges and late fees are paid in full.

- (f) Violations of Septage Receiving Provisions
  - (1) Anyone who violates any section of these provisions is subject to the penalty provisions contained in Chapter 923.99 of the Codified Ordinances of the City of Wooster.
  - (2) Anyone who violates any section above will be notified in writing of the violation and will be required to respond to the Director in writing of:
    - (A) The reason for the violation
    - (B) Steps to prevent future violations
  - (3) May have their access card disabled until:
    - (A) The Director is assured that the violations were unintentional and are unlikely to happen in the future
    - (B) The Director is assured that any damages or legal liabilities stemming from the violations are resolved in full with the owner and/or their insurance carrier.
    - (C) The Director may order permanent disablement of the access card and bar the owner from any future use of the system if no response as required above is received and/or the driver/owner acts in a recalcitrant manner in the course of the City's attempts to resolve the violations.



## Request for Agenda Item Non-Capital

**Division**  **Meeting Date Requested**

**Project Name**   **Approved for Agenda**

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

The Office of Housing and Community Partnerships (OHCP), a division of the Ohio Department of Development provides annual financial and technical assistance to units of local government in Ohio, through the Community Development Block Grant program. These funds are allocated to the City of Wooster for project and activities which aim to benefit either low-to-moderate income citizens, and/or community oriented businesses or areas.

The FY 2011 CDBG formula allocation to the City of Wooster is in the amount of \$102,000.00. After holding two public hearings (May 2<sup>nd</sup> 2011 and July 1<sup>st</sup> 2011) the following projects have been developed and proposed.

- 1) **\$15,000.00** - Assistance to the Viola Startzman Free Clinic to defray the expense of health care to indigent and low-moderate income patients.
- 2) **\$83,500.00** – Infrastructure improvement and installation in the 100 block of West Liberty Street and North Walnut Street. Particular focus of this project will be the support of the Merchants Block Redevelopment Project.
- 3) **\$3,500.00** – Annual Fair Housing Program (Federal Requirement), with goals of enabling all citizens, and prospective citizens of the City of Wooster, to acquire and maintain equal housing accommodations. Individuals might otherwise be discouraged or prohibited from equal housing opportunities based on race, color, religion, sex, disability, familial status or national origin. Programs are administered in various community facilities (library, community center) throughout the City of Wooster.

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

Yes – Approval by council will allow the City Administration to receive the allocated funds for the projects listed above.

**Manager Requesting**

**Date**

**Approved for Agenda**

RESOLUTION NO. 2011-63

A RESOLUTION AUTHORIZING THE DIRECTOR OF  
ADMINISTRATION TO PURCHASE BULLET PROOF VESTS  
FOR THE POLICE DIVISION

WHEREAS, the Director of Administration has recommended the purchase of bullet proof vests for the Police Division through the state department of administrative services cooperative purchasing program; and the cost of this purchase is included in the Police Division operating budget for 2011.

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 purchase bullet proof vests for the Police Division through the state department of administrative services cooperative purchasing program.

SECTION 2. The cost of such contract will not exceed the amounts appropriated for this purpose 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: Jeffrey A. Steiner

**Request for Agenda Item  
Non-Capital**

**Division**  **Meeting Date Requested**

**Project Name**   **Approved for Agenda**

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

Request allocation of funds to purchase new bullet proof vests for the entire department. Department of Justice grant has been submitted, which if approved, will pay for fifty percent of total cost. Current department vests expire February of 2012, however 2012 grant application is not available until April. Funding is available within department's 2011 operational budget. Vest cost is currently under contract through state bid pricing.

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

Yes, needed as soon as possible to receive current pricing as pricing will increase in July.

**Manager Requesting**

**Date**

**Approved for Agenda**

RESOLUTION NO. 2011-64

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH RVI, INC. OF WOOSTER, OHIO FOR THE CLEANING OF THE STRIPPING TOWERS IN THE SOUTH WELL FIELD, AND DECLARING AN EMERGENCY

WHEREAS, it is necessary to periodically clean the stripping towers in the south well field and replace the VOC media therein, and the cost thereof is included in the Water Fund budget for 2011; and

WHEREAS, RVI, Inc. of Wooster, Ohio is the provider recommended by the utilities manager for the performance of these services; and

WHEREAS, this City Council hereby determines that prompt action is necessary to clean the stripping towers and replace the existing media for the efficiency of the stripping process.

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 enter into a contract with RVI, Inc. of Wooster, Ohio for the cleaning of the stripping towers in the south well field and replacement of the VOC media therein, in accordance with specifications now on file in said office. This is a purchase, the amount of which exceeds \$15,000.00, but is less than or equal to \$25,000.00, and thus exempt from the competitive bidding requirement.

SECTION 2. Such contract will not exceed the amounts appropriated for this project 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: David Silvestri

**REQUEST FOR AGENDA ITEM  
AUTHORIZATION FOR CONTRACT**

Division: **Water Treatment Plant**

Meeting Date Requested: **July 5, 2011**

Project Name: **RVI: VOC Tower Cleaning**    Approved for Agenda: **Robert Fowler**  
=====

1. Estimated Total Cost: **Not to exceed \$25,000**
  
2. Is the full amount budgeted? **YES** or NO. If no, how is the purchase to be funded? **Funds are available in the Water Fund.**
  
3. Description of Purchase: **It is necessary to periodically clean VOC Stripping Towers and replace the media. There are three (3) VOC Stripping Towers in the South Well Field and one near the North Well Field. Related Ventures (RVI) of Wooster, OH is the vendor for this service and has knowledge on methods used to clean the media for reuse.**
  
4. Justification\Benefits: **It is essential to periodically remove VOC media and clean the VOC Stripping Towers to maintain VOC removal efficiencies.**
  
5. Will this project affect the city's operating costs? **No as this has been an ongoing expense for 20 years.**
  
6. What alternatives exist and what are the implications of the alternatives. **None. As mentioned above the media removal and tower cleaning are essential to maintain VOC removal efficiencies which is an Ohio EPA requirement.**
  
7. Is this a sole source request? **YES** NO If yes, explain the circumstances: **Locally based RVI, due to their familiarity of the project and the cleaning methods needed to properly and efficiently complete the job, and is considered a sole source. The value of the contract does not exceed the bidding limit.**
  
8. Are you requesting suspension of the rules and passage on one reading? If yes, note reasons. **Yes. VOC Tower cleaning and media replacement is on an "as needed" basis and is difficult to anticipate. It is anticipated that expenditures for this vendor will exceed the \$15,000.00 limit and therefore requires Council approval.**

---

James L. Borton  
Utilities Manager

Date: **June 28, 2011**

RESOLUTION NO. 2011-65

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE MELROSE DRIVE BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, PAVING, RESURFACING, CONSTRUCTING CURBS, GUTTERS, SIDEWALKS AND DRIVEWAY APPROACHES, CONSTRUCTING A TURNING LANE, INSTALLING STORM SEWERS, CATCH BASINS, MANHOLES, WATER MAINS, FIRE HYDRANTS, AND TRAFFIC CONTROL SIGNS AND DEVICES, AND ACQUIRING ANY REAL ESTATE AND INTERESTS THEREIN REQUIRED THEREBY, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

WHEREAS, Council has previously authorized and requested the City Engineer to have plans, profiles, specifications and an estimate of cost prepared for the improvement described in Section 1; and

WHEREAS, the proposed improvement will specially benefit properties in a large area of this City as described in Section 4 by improving and widening roads and installing traffic signs and devices, thereby improving traffic flow, control and access in that area; and

WHEREAS, pursuant to a study undertaken at the direction of the City Engineer, traffic generation information as to such properties is available to the City Engineer in preparing the portion of the estimated special assessments related thereto; and

WHEREAS, the City Engineer also has information as to those properties in that area which, in addition to being specially benefited by the improvement of traffic flow, control and access in that area, will also be specially benefited by the construction of sidewalks and driveway aprons abutting or serving such properties, which information is available to the City Engineer in preparing the portion of the estimated special assessments related thereto in accordance with the City's customary and usual practice with respect to assessments for sidewalks and driveway aprons.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO, three-fourths of all members elected or appointed thereto concurring, that:

SECTION 1. It is declared necessary to improve Melrose Drive, from Portage Road to Milltown Road, by grading, draining, widening, paving, resurfacing, constructing curbs, gutters, sidewalks and driveway approaches, constructing a turning lane, installing storm sewers, catch basins, manholes, water mains, fire hydrants, and traffic control signs and devices, and acquiring any real estate and interests therein required thereby, all together with the necessary appurtenances thereto.

SECTION 2. The plans, specifications, profiles and estimate of cost of the improvement, which the City Engineer has caused to be prepared and now on file in the office of the Clerk of Council, are approved. The improvement shall be made in accordance with, and the grade of the improvement shall be the grade as shown on, the plans, specifications and profiles for the

improvement.

SECTION 3. This Council finds and determines that (i) the improvement is conducive to the public health, convenience and welfare of this City and the inhabitants thereof, and (ii) the lots and lands to be assessed as described in Section 4 hereof are specially benefited by the improvement.

SECTION 4. The City shall assume and pay as its portion all of those costs of the improvement relating to utilities and a portion of those remaining costs of the improvement which are not assessed, all as shown on the cost estimate prepared by the City Engineer and on file with the Clerk of Council (which City portion exceeds the costs of intersections plus 2% of the costs of the improvement **plus 50%** of the cost of appropriating any required real estate and interests therein). As contemplated in the preambles hereto, the remaining costs of the improvement, as shown on the cost estimate prepared by the City Engineer and on file with the Clerk of Council, shall be assessed in proportion to the benefits that may result therefrom upon all lots and lands within the City of Wooster located within the area described in Exhibit A (attached hereto).

SECTION 5. The cost of the improvement shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of damages resulting from the improvement and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, the cost of purchasing, appropriating, and otherwise acquiring therefore any required real estate or interests therein, expenses of legal services including obtaining legal opinions, cost of labor and material, and interest on securities issued in anticipation of the levy and collection of the special assessments, or, if securities in anticipation of the levy of the special assessments are not issued, interest at a rate not to exceed 6% per year on monies advanced by this City for the cost of the improvement in anticipation of the levy of the special assessments, together with all other necessary expenditures.

SECTION 6. The City Engineer is authorized and directed to prepare and file in the office of the Clerk of Council the estimated special assessments of the cost of the improvement described in this resolution. Those estimated special assessments shall be based upon the estimate of cost the improvement now on file in the office of the Clerk of Council and shall be prepared pursuant to the provisions of this resolution. When the estimated special assessments have been so filed, the Clerk of Council shall cause notice of the adoption of this resolution and the filing of the estimated assessments to be served in the manner provided by law on the owners of all lots and lands to be assessed.

SECTION 7. The special assessments to be levied shall be paid according to the following payment schedule: in **fifteen** annual installments, with interest on the unpaid principal amount of each special assessment at the same rate as shall be borne by any securities to be issued in anticipation of the collection of the total of the unpaid special assessments, or, if such securities are not issued, at the rate or rates of interest determined by Council when it passes the assessing ordinance levying those assessments; provided, that the owner of any property assessed may pay the special assessment in cash within 30 days after passage of the assessing ordinance.

SECTION 8. The City presently intends to issue securities in anticipation of the collection of the special assessments in annual installments and in an amount equal to the total of the unpaid



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

<b>Division</b> Engineering	<b>Meeting Date Requested</b> July 5, 2011
<b>Project Name</b> Melrose Drive Reconstruction; Resolution of Necessity for Improvements	<b>Approved for Agenda</b>
<b>Estimated Total Cost</b> \$2,600,000 (OPWC is providing \$500,000 in Grant funding for construction costs, and the ODOT SRTS program is providing \$85,000 in Grant funding for sidewalks and crosswalks). The construction cost estimate is \$2,470,000. The remaining project costs are construction phase engineering, legal fees, and previously expended costs for R/W acquisition.	
<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> This project is budgeted in the Capital Improvements Fund, the Permissive Tax Fund, the Water Fund, the Sanitary Sewer Fund and the Storm Sewer Fund.	
<b>Description Of Purchase</b> This is a request to declare the necessity of improving Melrose Drive from Portage Road to Milltown Road, and begin the process of determining assessments to affected property owners.	
<b>Justification / Benefits</b> The design for this project is complete and has been awarded funds through OPWC for construction. This project must be bid and awarded by March 18th in order to meet our funding schedule deadline. Design drawings, specifications and project cost estimate are on file with the clerk of council.  Council has already passed 3 pieces of legislation previously authorizing R/W acquisition, Surveying & Legal Descriptions, and OPWC funding applications.	
<b>Will This Project Effect the City's Operating Costs</b> This project should have little or no affect on the City's operating costs. The existing road would need to be maintained, ditches cleaned periodically, and utilities replaced if not improved.	
<b>What Alternatives Exist and What Are The Implications of The Alternatives</b> We can do nothing and forfeit the grant money, continue maintenance on the existing road, and not address the safety issues resulting from the narrow lanes and future traffic volume increase from potential development.	
<b>Is This A Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>If Yes, Explain The Circumstances</b>	
<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 funding will be available in late July, and the approved project schedule requires commencing construction by August. The assessment process needs to begin as soon as possible to meet these dates.	
<b>Division Manager</b> Joel Montgomery	<b>Date</b> June 28, 2011



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

<b>Division</b> Engineering	<b>Meeting Date Requested</b> July 5, 2011
<b>Project Name :</b> Burbank Road Waterline Replacement - Budget Appropriation	<b>Approved for Agenda</b>
<b>Estimated Total Cost</b> \$783,000 (\$500,000 is being funded by a zero interest loan from OPWC).	
<b>Is Full Amount Budgeted</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>If No, How Is The Purchase To Be Funded?</b> Appropriate funds from the unencumbered balance of the Water Fund	
<b>Description Of Purchase</b> This is a request to authorize the appropriation of additional funds from the Water Fund, adding to the 2011 budget in order to complete the project.	
<b>Justification / Benefits</b> This project was originally in the 2011 Capital Infrastructure Budget, proposed in late 2010, and has been on the City 10 Year Strategic Infrastructure Plan for many years. OPWC offered \$500,000 in zero interest loan funds in June of 2010, and the City accepted these funds by signing a funding agreement with OPWC on July 15, 2010.  This project was inadvertently dropped from the final appropriations budget passed by Ordinance 2010-37.	
<b>Will This Project Effect the City's Operating Costs</b> This project should reduce maintenance costs by repairing a deteriorating waterline. A debt service expenditure will be added to repay the OPWC, zero interest loan over a 20 year period, at \$25,000 per year.	
<b>What Alternatives Exist and What Are The Implications of The Alternatives</b> Do nothing, and continue to repair the waterline as it breaks and patch holes in the pavement as best as possible.  The project could also be funded directly out of the Water fund or other interest accruing financing methods.	
<b>Is This A Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>If Yes, Explain The Circumstances</b>	
<b>Are You Requesting Suspension Of The Rules</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If Yes, Note Reasons</b> When the City accepted the funds from OPWC, we also agreed to a construction schedule that requires award of a contract before the end of July, 2011.	
<b>Division Manager</b> Joel Montgomery	<b>Date</b> June 28, 2011

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

<b>Division</b> Engineering	<b>Meeting Date Requested</b> July 5, 2011
<b>Project Name :</b> Burbank Road Waterline Replacement - Bid & Award	<b>Approved for Agenda</b>
<b>Estimated Total Cost</b> \$783,000 (\$500,000 is being funded by a zero interest loan from OPWC).	
<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> This project will be funded by the budget appropriation requested previously.	
<b>Description Of Purchase</b> This is a request to authorize advertisement and award of a contract to the lowest and best bidder for improvements to the water distribution and transmission system on Burbank Rd. between Clevand Rd and Reed, and the waterline on Reed and Kurtz where extensive breaks have been recently repaired.	
<b>Justification / Benefits</b> This project has been on the City 10 Year Strategic Infrastructure Plan for many years. These waterlines are over years old and have exhibited numerous breaks and leaks over the past several years. This watermain is a primary transmission and distribution line for the water system, and Burbank Rd. is a main artery in need of repair, which could be accomplished after the waterline is replaced.  The City accepted OPWC funds by signing a funding agreement with OPWC on July 15, 2010. This agreement also established a construction fund disbursement schedule requiring construction to begin in July, 2011.	
<b>Will This Project Effect the City's Operating Costs</b> This project should reduce maintenance costs by repairing a deteriorating waterline. A debt service expenditure will be added to repay the OPWC, zero interest loan over a 20 year period, at \$25,000 per year.	
<b>What Alternatives Exist and What Are The Implications of The Alternatives</b> Do nothing, and continue to repair the waterline as it breaks and patch holes in the pavement as best as possible.  The project could also be funded directly out of the Water fund or other interest accruing financing methods.	
<b>Is This A Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>If Yes, Explain The Circumstances</b>	
<b>Are You Requesting Suspension Of The Rules</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If Yes, Note Reasons</b> When the City accepted the funds from OPWC, we also agreed to a construction schedule that requires award of a contract before the end of July, 2011.	
<b>Division Manager</b> Joel Montgomery	<b>Date</b> June 28, 2011