

**CITY COUNCIL AGENDA  
SPECIAL MEETING  
July 23, 2012  
6:00 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. OLD BUSINESS**

1. Second Reading - ORDINANCE NO. 2012-21 AMENDING TITLE ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO BY THE ADOPTION OF AN AMENDMENT TO SECTION 1149.03(c)(4) DEALING WITH NONCONFORMING USES OF BUILDINGS, STRUCTURES OR LAND (Knapic)
  
2. Third Reading - RESOLUTION NO. 2012-66 AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH THE IMPACT GROUP OF HUDSON, OHIO TO DEVELOP AND IMPLEMENT AN EDUCATION AND COMMUNICATION PROGRAM WITH INFORMATION DERIVED FROM THE COMMUNITY SURVEY, AND DECLARING AN EMERGENCY (Ansel)

**III. NEW BUSINESS**

1. First Reading - RESOLUTION NO. 2012-68 AUTHORIZING THE PUBLIC WORKS ADMINISTRATOR TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE CONSTRUCTION OF THE MADISON GATEWAY PROJECT, AND DECLARING AN EMERGENCY (Ulbright)
  
2. First Reading - RESOLUTION NO. 2012-69 AUTHORIZING THE PUBLIC WORKS ADMINISTRATOR TO ENTER INTO A CONTRACT WITH URS CORPORATION OF COLUMBUS, OHIO FOR AN EVALUATION OF ALTERNATIVES TO UPGRADE THE WASTEWATER TREATMENT PLANT (Sanders)
  
3. First Reading - RESOLUTION NO. 2012-70 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A PROFESSIONAL OR TECHNICAL SERVICES CONTRACT WITH WOOSTER COMMUNITY HOSPITAL FOR HEALTH AND WELLNESS SERVICES, AND DECLARING AN EMERGENCY (Steiner)

**IV. ADJOURNMENT**

ORDINANCE NO. 2012-21

AN ORDINANCE AMENDING TITLE ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO BY THE ADOPTION OF AN AMENDMENT TO SECTION 1149.03(c)(4) DEALING WITH NONCONFORMING USES OF BUILDINGS, STRUCTURES OR LAND

WHEREAS, an application has been duly filed by Main Street Wooster, Inc. with the Planning Commission of the City of Wooster requesting an amendment to Zoning Code Section 1149.03, *Nonconforming Uses of Buildings, Structures and Lands*, at subpart (c), Damage or Destruction (of Structures Occupied by a Nonconforming Use); and

WHEREAS, at its May 23, 2012 meeting, and after a public hearing in accordance with law, the Planning Commission voted **to recommend** to the City Council that the proposed amendment be approved, **as modified** and attached hereto as "Exhibit A" (motion to approve passed by a vote of 6 yeas; 0 nays; and 1 abstention); and

WHEREAS, notice of a public hearing by the City Council on the proposed amendment has been duly given and a public hearing has been held thereon, all in accordance with law; and

WHEREAS, this City Council deems that the proposed zoning text amendment should be approved.

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

SECTION 1. That Title Eleven, Zoning, of the Codified Ordinances of the City of Wooster, known as the Zoning Ordinance, be and the same is hereby amended at Section 1149.03(c)(4) to read in accordance with the language attached hereto as "Exhibit A".

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 7-2-12 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

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

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

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

Introduced by: Barbara A. Knapic

PROPOSED AMENDMENT  
EXHIBIT A

1149.03 NONCONFORMING USES OF BUILDINGS, STRUCTURES, OR LAND.

A nonconforming use may be continued so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following regulations:

- (a) [No change]
- (b) [No change]
- (c) Structures Occupied by Nonconforming Use.
  - (1) Extension of Nonconforming Use within Building. [No change]
  - (2) Expansion of Building(s). [No change]
  - (3) Alteration or Reconstruction of a Building Occupied by a Nonconforming Use. [No change]
  - (4) Damage or Destruction.
    - (A) *Except as provided in Section 1149.03(c)(4)(B), below, in the event a building or structure that is occupied by a nonconforming use is destroyed by any means to the extent of more than 50% of its replacement value, it shall not be rebuilt, restored or reoccupied for any use unless such use conforms to the use regulations of the district in which the building or structure is located.*
    - (B) *Notwithstanding Section 1149.03(c)(4)(A), above, in the event that a residential building or structure that is occupied by a legal nonconforming use is damaged or destroyed by any means (excluding arson or negligence attributable to the property owner) to the extent of more than 50% of its replacement value, the owner may apply to the Planning Commission for a permit to rebuild or restore and reoccupy the premises in accordance with the use that existed at the time of the construction thereof, provided that the Planning Commission, after issuing notice and conducting a public hearing on the application in accordance with the process set forth in Section 1107.26, finds that all of the following criteria have been met:*
      - (i) *The number of dwelling units is not increased; and*
      - (ii) *The footprint and floor area of the building or structure shall be restored only to the original footprint and floor area that existed prior to the damage or destruction, unless the Planning Commission determines that insignificant increases are needed to comply with the building and/or fire codes; and*
      - (iii) *The proposed building or structure shall be architecturally compatible with the surrounding neighborhood; and*
      - (iv) *The location, materials used, and screening of parking is appropriate for the neighborhood.*
    - (C) *If the Planning Commission approves an application as referenced in Section 1149.03(c)(4)(B), above:*
      - (i) *The reconstruction shall be commenced within six (6) months of the date of the approval thereof; and*
      - (ii) *The reconstruction shall be completed within one (1) year after it has been commenced.*

RESOLUTION NO. 2012-66

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH THE IMPACT GROUP OF HUDSON, OHIO TO DEVELOP AND IMPLEMENT AN EDUCATION AND COMMUNICATION PROGRAM WITH INFORMATION DERIVED FROM THE COMMUNITY SURVEY, AND DECLARING AN EMERGENCY

WHEREAS, in anticipation of further reductions in municipal services, Mayor Breneman has recommended that the city enter into a contract with The Impact Group of Hudson, Ohio for the preparation and administration of an education and communication program regarding the budgetary issues facing the municipal government; and

WHEREAS, this City Council deems that prompt action is necessary to facilitate these necessary services at the earliest possible time.

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

SECTION 1. That the Mayor is hereby authorized to enter into a professional services contract with The Impact Group of Hudson, Ohio for the preparation and administration of an education and communication program derived from information gained by the community survey.

SECTION 2. The cost of such contract will not exceed \$50,000.00, which amount is hereby appropriated from the unappropriated balance in the General Fund.

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 is necessary to facilitate the need for better education and communication of issues facing the municipal government; 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 the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 7-2-12 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

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

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

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

Introduced by: Jon Ansel



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

<b>Division</b> Engineering	<b>Meeting Date Requested</b> July, _____ 2012
<b>Project Name</b> ODOT – SR302 – Madison Gateway; PID 989273	<b>Approved for Agenda</b>
<b>Estimated Total Cost</b> \$371,000. ODOT Grant = \$250,000 (67.6%), Local Funds = \$121,000 (32.4%)	
<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> There is \$380,000 budgeted in the Capital Improvements Fund for this project.	
<b>Description Of Purchase</b> This is a request to authorize the award of a contract to the lowest and best bidder for construction of landscaping, signage and other gateway and corridor improvements for the City entrance from US Route 30 at Madison Ave (SR302). All of the construction engineering, contract management and inspection will be performed in-house by the engineering division staff.	
<b>Justification / Benefits.</b> Res. 2012-18 authorized entering into a funding agreement with The Ohio Department of Transportation for a \$250,000 grant for this project. These funds were obtained through the Transportation Enhancement Funding Program..	
<b>Will This Project Effect the City's Operating Costs</b> This project should have little or no effect on the City's operating costs.	
<b>What Alternatives Exist and What Are The Implications of The Alternatives</b> We could do nothing, and turn down the grant funds. We could proceed with the project using 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> This project was advertised and bid in accordance with ODOT requirements, and there is an apparent low bidder. This is a request to award the contract to the low bidder.	
<b>Are You Requesting Suspension Of The Rules</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If Yes, Note Reasons The</b> ODOT funding timetable requires award of the contract by August 3.	
<b>Division Manager</b> Joel Montgomery	<b>Date</b> July 9, 2012

ROS #68



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

<b>Division</b> Engineering/Utilities	<b>Meeting Date Requested</b> July 23, 2012
<b>Project Name</b> WPCP Biosolids Management Alternative Evaluation	<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 2012 Sewer Plant Budget includes funding for sludge and EPA compliance related items that will be used for this study.	
<p><b>Description Of Purchase:</b> This is a request to enter into a contract with URS Corporation of Columbus to perform an engineering and economic alternative analysis for biosolids treatment and disposal. This analysis will include investigations of technical feasibility and a present worth cost analysis of life cycle costs for capital, O&amp;M, and repair for several alternatives.</p> <p>This study will be the first part of an overall general plan for improvements to the WPCP which is required by EPA as part of the Findings &amp; Orders issued in February of this year.</p>	
<p><b>Justification / Benefits</b> The WPCP evaluation and capabilities study revealed that one of the major deficiencies in the current WPCP treatment system is the inadequate solids handling and treatment facilities. These facilities are a major factor in the plants inability to consistently meet NPDES permit requirements. The study found that over \$4,500,000 in improvements to the solids handling facilities are needed at the WPCP. These improvement included digester repair, new digestion facilities, settling tank improvements and FOG removal facilities. This is in addition to another \$2,800,000 in needed improvements for other treatment components. The plant evaluation study did not evaluate alternatives for making these improvements.</p> <p>The proposed alternative analysis will evaluate various digester improvement alternatives, equipment and sludge treatment alternatives, and sludge disposal alternatives. The study will allow the City to choose the best long term option for meeting the sludge handling needs, for meeting NPDES requirements, and for reducing costs at the WPCP.</p> <p>We are investigating grant funding opportunities, including a "renewable energy demonstration" component, with the hopes of covering all, or at least a portion of the cost of the study. URS is being selected for this study due to their extensive knowledge and background in this area, due to their intimate knowledge of the City's treatment facilities, and due to their ranking as one of the top firms on the City Engineering services registry.</p>	
<p><b>Will This Project Effect the City's Operating Costs</b> The full amount of this expenditure was budgeted, so there should be no affect on the operating budget.</p> <p>Ultimately, by performing a detailed technical and economic analysis of various alternatives, the goal is select an option that will significantly reduce both capital costs and debt service, as well reduce O&amp;M costs over the life of the system.</p>	
<p><b>What Alternatives Exist and What Are The Implications of The Alternatives</b> The EPA Findings &amp; Orders require the City to make improvements to the plant and meet NPDES permit limits. There are several alternatives for doing this, and if we do not evaluate those alternatives, we could select an option that may not be the best suited for treating our biosolids, or that may not be the most cost effective, or that may not allow consistent compliance with our permit limits.</p>	
<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> This is an engineering services contract, which allows the City to select a firm based on qualifications. URS has extensive knowledge and background in this area, have intimate knowledge of the City's treatment facilities, and are ranked as one of the top firms on the City Engineering services registry . They have aslo performed similair services for multiple municipal clients.	
<b>Are You Requesting Suspension Of The Rules</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If Yes, Note Reasons</b> While not final, indications from EPA are that the City will need to have a plan for improvements submitted to EPA within the next 6 months. In addition, some of the funding options being evaluated for some of the alternatives have a commitment date of September 30, 2012. We need to have the evaluation complete prior to this date in order to secure these funds, depending on the outcome of the biosolids management analysis.	
<b>Division Manager</b> Joel Montgomery	<b>Date</b> July 13, 2012

RESOLUTION NO. 2012-70

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A PROFESSIONAL OR TECHNICAL SERVICES CONTRACT WITH WOOSTER COMMUNITY HOSPITAL FOR HEALTH AND WELLNESS SERVICES, AND DECLARING AN EMERGENCY

WHEREAS, the collective bargaining agreement between the city and the IAFF Local 764 provides for a program of health and wellness services, and Wooster Community Hospital is able to provide such services; and

WHEREAS, the cost of such services will exceed the limits authorized in the codified ordinances, such that this expenditure will require council approval; and

WHEREAS, this Council deems that prompt action is necessary to continue to afford this important service for the Fire Division.

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 professional or technical services contract with Wooster Community Hospital for health and wellness services for the Fire Division.

SECTION 2. The cost of such contract will not exceed the amount budgeted in the 2012 Appropriations Budget adopted by this Council in Ordinance No. 2011-33.

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 declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City, and for the further reason that this resolution is required to be immediately effective in order promote the health and wellness of members of the Fire Division; wherefore, this resolution shall be in full force and effect immediately upon its adoption and approval by the Mayor, provided it receives the affirmative vote of at least three-fourths of the members of the Council, otherwise it 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: \_\_\_\_\_, 2012  
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)

The Wooster Fire Division is requesting to enter into a Professional or Technical Services Agreement with the Wooster Community Hospital for health and Wellness Services. The costs of this service have been budgeted at \$35,000 and is included in the current appropriated budget of the Fire Division.

This grant project was requested to fulfill the health and wellness policy that was established with a Federal Grant in 2011 and to follow an annual mandate of an annual physical for each member as defined in the Ohio Administrative Code. This would include the following costs

- Inoculations as described in the current blood borne Pathogen policy
- Annual physical for all members of the uniformed division
- The use of auxiliary service related to health and wellness of the divisions members

The goal of the use of these funds is to establish a health and wellness program that will protect the health and life of the current and future members of the division as well as increase our ability to perform in the stressful and physical environments for the community we serve.

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

Suspension of the rules is not required for a budgeted item. We have tentatively scheduled the services to begin the last week of July.

**Manager Requesting**

**Date**

**Approved for Agenda**