

CITY COUNCIL AGENDA

September 3, 2013

7:30 p.m.

The meeting will be held at City Hall, in Council Chambers, 1st 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:

The zoning of .661 acres (being petitioned for annexation) to a R-2 (Single Family Residential) District for property located on the east side of Melrose Drive, north of its intersection with Portage Road. (Morris Stutzman, Esq., Agent for Petitioners Bruce and Jodi Steiner)

VI. OLD BUSINESS

- 1. Second Reading – ORDINANCE NO. 2013-27 AN ORDINANCE ACCEPTING APPLICATION FOR THE ANNEXATION OF TERRITORY LOCATED ON THE EAST SIDE OF MELROSE DRIVE, NORTH OF ITS INTERSECTION WITH PORTAGE ROAD, AND CONTIGUOUS TO THE CORPORATION LIMITS (Morris Stutzman, Esq., Agent for Petitioners Bruce and Jodi Steiner) (Knapic)
- 2. Second Reading – ORDINANCE NO. 2013-29 AN ORDINANCE AMENDING TITLE ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, SO AS TO ZONE NEWLY-ANNEXED LAND (0.661 ACRES) TO AN R-2 (SINGLE FAMILY RESIDENTIAL) DISTRICT FOR PROPERTY LOCATED ON THE EAST SIDE OF MELROSE DRIVE, NORTH OF ITS INTERSECTION WITH PORTAGE ROAD (Knapic)
- 3. Second Reading – ORDINANCE NO. 2013-36 AN ORDINANCE AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH A QUALIFIED VENDOR FOR THE CONSTRUCTION AND MAINTENANCE OF A COMMUNICATIONS TOWER AND RELATED FACILITIES ON CITY-OWNED PROPERTY; AND DECLARING AN EMERGENCY (Cavin)
- 4. Second Reading – RESOLUTION NO. 2013-71 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH OHM ADVISORS OF GAHANNA, OHIO FOR COMPREHENSIVE PLANNING SERVICES (Ansel)

VII. NEW BUSINESS

- 1. First Reading – ORDINANCE NO. 2013-37 AN ORDINANCE AMENDING CHAPTER 155, DESIGN AND REVIEW BOARD, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY THE ADOPTION OF VARIOUS TEXT AMENDMENTS (Knapic)
- 2. First Reading – ORDINANCE NO. 2013-38 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR THE CREATION OF THE WOOSTER-ASHLAND REGIONAL COUNCIL OF GOVERNMENTS, AND DECLARING AN EMERGENCY (Steiner)
- 3. First Reading – RESOLUTION NO. 2013-73 A RESOLUTION 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 NORTH STREET (Sanders)

- 4. First Reading – RESOLUTION NO. 2013-74 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE ITEMS OF SPECIALIZED TECHNOLOGY, TO WIT: DEFIBRILLATORS FOR THE FIRE DIVISION (Steiner)
- 5. First Reading – RESOLUTION NO. 2013-75 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE RESCUE TOOLS FOR THE FIRE DIVISION (Steiner)
- 6. First Reading – RESOLUTION NO. 2013-76 A RESOLUTION AUTHORIZING THE DIRECTOR OF LAW TO INSTITUTE LEGAL PROCEEDINGS ON BEHALF OF THE CITY OF WOOSTER TO PURSUE POTENTIAL CLAIMS FOR DAMAGES REGARDING UPGRADES THAT WERE PERFORMED AT THE WASTEWATER TREATMENT PLANT DURING 2007, AND DECLARING AN EMERGENCY (Sanders)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

PETITION FOR ANNEXATION

To: The Board of County Commissioners of Wayne County, Ohio.

The undersigned, being a majority of the owners of the real estate in the territory hereinafter described, do hereby petition for the annexation of said real estate to the City of Wooster, Wayne County, Ohio pursuant to Chapter 709 of the Ohio Revised Code.

An accurate legal description of the perimeter of the territory sought to be annexed is set forth on Exhibit A attached hereto and incorporated herein by reference (the "Territory"); and an accurate map or survey of the Territory proposed for annexation is attached hereto as Exhibit B and incorporated herein by reference. .

The Territory is adjacent and contiguous to the City of Wooster, Ohio.

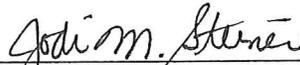
Morris Stutzman is hereby appointed agent for the undersigned petitioners as required by Section 709.02 of the Ohio Revised Code and is granted full power and authority to amend, alter, change, correct, withdraw or refile this Petition, increase or decrease the size of the Territory and do any and all things essential to this Petition and take any other action necessary pertaining to the granting of this Petition.

The number of owners of real estate in the above-described Territory is two (2). Pursuant to Section 1702.02 (E) of the Ohio Revised Code, that portion of said Territory which is a dedicated roadway has not been included in determining the total number of owners necessary to file this petition.

Date: March 13, 2013


Bruce A. Steiner

Date: March 13, 2013


Jodi M. Steiner

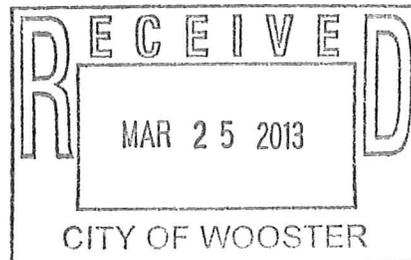


EXHIBIT "A"

Situated in the State of Ohio, County of Wayne and Township of Wayne, in the Southwest Quarter of Section 26, T-16N, R-13W;

And known as being Lot 3 in the Weekley Allotment No. 1, as shown by the plat recorded in Volume 5, Page 173 of the Wayne County, Ohio Plat Records, and part of a dedicated roadway, and further bound and described as follows:

BEGINNING at an iron pin at the northeast corner of Lot 2 in said Weekley Allotment No. 1;

THENCE WITH THE FOLLOWING FOUR (4) COURSES:

1. North $86^{\circ} 33' 00''$ West, 200.00 feet along the northerly line of said Lot 2 and its westerly prolongation to a point in Melrose Drive (T.R. 113) and on the Wooster City corporation line - witnessed by an iron pin South $86^{\circ} 33' 00''$ East, 30.00 feet at the northwest corner of said Lot 2;
2. North $02^{\circ} 56' 00''$ East, 144.00 feet in Melrose Drive (T.R. 113) and along said corporation line to a point - witnessed by an iron pin South $86^{\circ} 33' 00''$ East, 30.00 feet at the southwest corner of Lot 4 in said Weekley Allotment No. 1;
3. South $86^{\circ} 33' 00''$ East, 200.00 feet easterly in Melrose Drive (T.R. 113) and along the southerly line of said Lot 4 to an iron pin at the southeast corner thereof and on the westerly line of lands conveyed to Ann L. Kinney in Volume 643, Page 182 of the Wayne County Deed Records;
4. South $02^{\circ} 56' 00''$ West, 144.00 feet along the westerly line of said Kinney lands to the PLACE OF BEGINNING.

The above-described parcel contains **0.661 acre** of which 0.562 acre is in Lot 3 and 0.099 acre is in the dedicated roadway, more or less, and subject to all legal highways and easements of record.

This description was prepared by Mark E. Purdy, P.S. #7307, of Shaffer, Johnston, Lichtenwalter & Associates, Inc. in January of 2013.

Basis of Bearing: This survey is based on the west line of the Southwest Quarter of Section 26, bearing North $2^{\circ} 56'$ East, as shown on Survey "Q", Page 291 by Ray W. Gasbarre dated February, 1957.

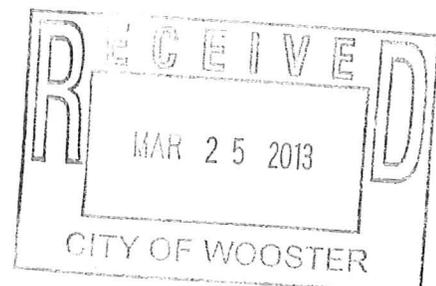
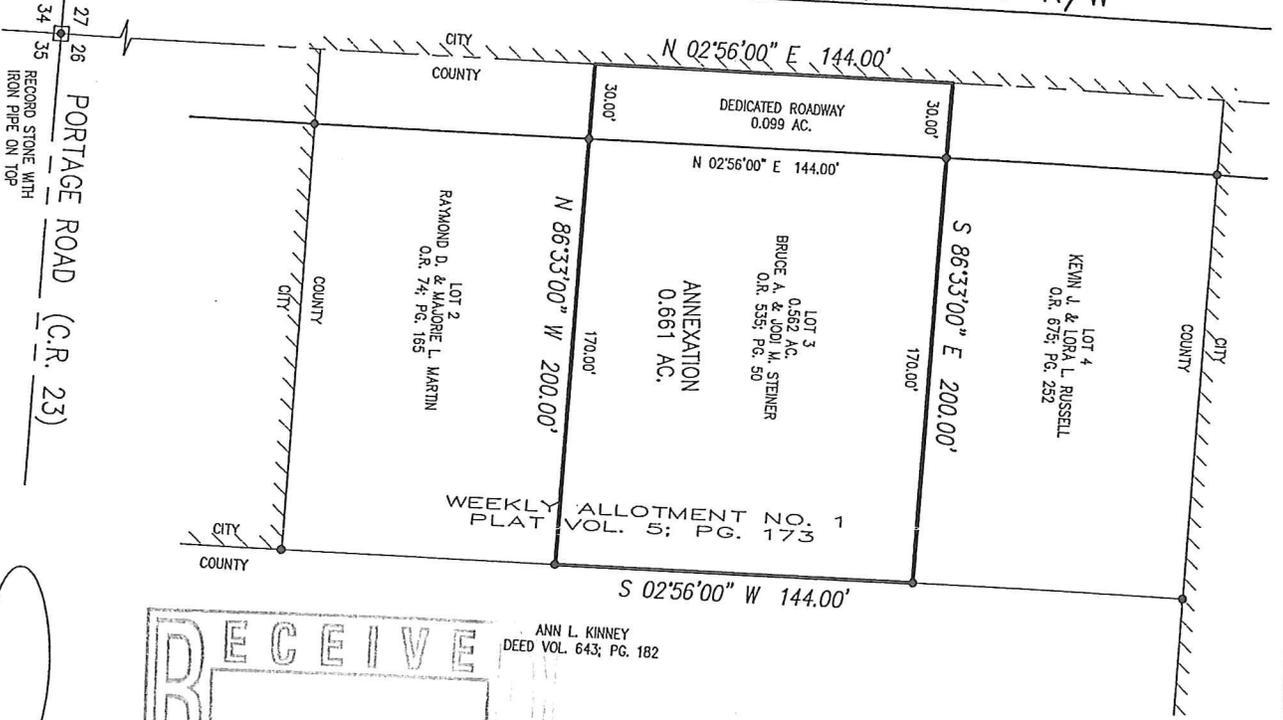
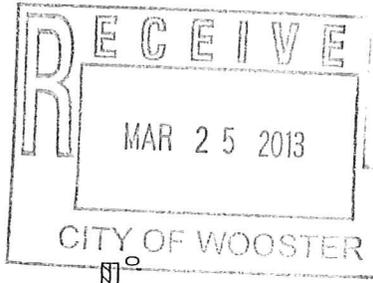


EXHIBIT "B"

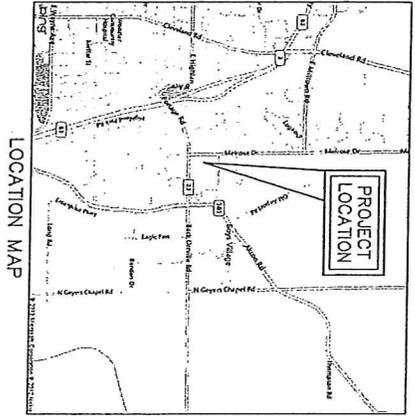
MELROSE DRIVE (T.R. 113) ~ 60' R/W



27/26 PORTAGE ROAD (C.R. 23)
34/35 RECORD STONE WITH IRON PIPE ON TOP

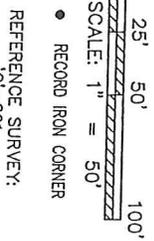


ANN L. KINNEY
DEED VOL. 643; PG. 182



0.661 AC.
ANNEXATION PLAT
TO THE
CITY OF WOOSTER
PART OF
S.W. QTR. SEC. 26
T-16N; R-13W
WAYNE TOWNSHIP
WAYNE COUNTY, OHIO

This survey is based on the west line of the Southwest Quarter of Section 26, bearing N 2°56' E, as shown on survey Q-291 by Roy W. Gasbarre dated February 1957.



SHAPFER, JOHNSTON LICHTENWALTER & ASSOCIATES, INC.
Consulting Engineers & Surveyors
3477 Commerce Parkway, Suite C
Wooster, Ohio 44691
TEL: (330) 345-6377 FAX: (330) 345-6725 EMAIL: sj@sj-inc.com

By: *[Signature]* Date: 2-4-13
Mark E. Purdy, P.S. #7307

DRAWN: SW-5519
CHECKED: 1" SCALE 50'
DATE: 01/30/13
JOB NO: SW-5519
SHEET 1 OF 1

Distances shown hereon are expressed in feet and decimal parts thereof, bearings are used to express angles only, iron pins or monuments were found or set as indicated hereon. All of which I believe to be correct to the best of my knowledge.



AUDITOR:	
RECORDER:	
TOTAL:	

Approved by the Council of the City of Wooster
this ___ day of ___ 20__.

MAYOR _____ CLERK _____
Approved by Wayne County Commissioners:
this ___ day of ___ 20__.

SCOTT S. WOGAM _____ JIM CARMICHAEL _____ ANN M. OBRECHT _____
Approved for Recording: _____
this ___ day of ___ 20__
Transferred: _____
this ___ day of ___ 20__
Filed for Record: _____
this ___ day of ___ 20__
___ @ ___ in Vol. ___ Pg. ___
Wayne County Recorder
JANE CARMICHAEL

Wayne County Tax Map Office
DOUGLAS K. GREEN
(Sign)
Wayne County Auditor's Office
(Print)

ORDINANCE NO. 2013-29

AN ORDINANCE AMENDING TITLE ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, SO AS TO ZONE NEWLY-ANNEXED LAND (0.661 ACRES) TO AN R-2 (SINGLE FAMILY RESIDENTIAL) DISTRICT FOR PROPERTY LOCATED ON THE EAST SIDE OF MELROSE DRIVE, NORTH OF ITS INTERSECTION WITH PORTAGE ROAD

WHEREAS, an application has been duly filed by Attorney Morris Stutzman, agent for Petitioners Bruce and Jodi Steiner, with the Planning Commission of the City of Wooster requesting the zoning of newly-annexed land to an R-2 (single family residential) district; and

WHEREAS, at its July 24, 2013 meeting, and after a public hearing in accordance with law, the Planning Commission voted to recommend to the City Council that said zoning be **approved**; and

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

WHEREAS, this City Council deems that said zoning designation for the newly-annexed land, as recommended by the Planning Commission, 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 so as to zone newly annexed land (0.661 acres) to an R-2 (single family residential) district, in accordance with the recommendation of the Wooster City Planning Commission, for property located on the east side of Melrose Drive, north of its intersection with Portage Road, as appears on the map attached hereto.

SECTION 2. The Planning Division is hereby directed to change the official zoning map to conform to the above-described amendment.

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 8-19-13 2nd reading _____ 3rd reading _____

Passed: _____, 2013 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2013
Mayor

Introduced by: Barbara A. Knapic

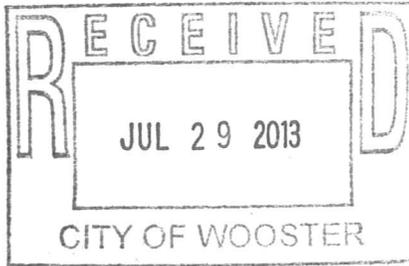
**Request for Agenda Item
Non-Capital**

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

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

Planning Commission recommended to City Council the R-2 zoning as requested by the applicant for property located at 2553 Melrose Drive (see attached).



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

Manager Requesting

Date

Approved for Agenda

ord #29

ROBERT F. BRENEMAN
Mayor



ANDREW DUTTON
Planning & Zoning Manager
330-263-5238

LAURIE HART
Administrative Assistant
330-263-5200 x304

CITY OF WOOSTER
DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION
538 N. MARKET STREET
P.O. BOX 1128
WOOSTER, OH 44691
FAX: 330-263-5274

MEMORANDUM

DATE: August 13, 2013
TO: City Council
FROM: Andrew Dutton
RE: 2553 Melrose Drive Annexation

The Planning Commission heard application #ZC-254 at their July 24th meeting to recommend the zoning of 2553 Melrose Drive upon annexation. The applicant requested R-2 (Single-Family) zoning for the property and staff recommended a zoning of R-3 (Attached Single-Family/Townhouse). After discussion, the Planning Commission voted unanimously to recommend an R-2 zoning of the property per the applicants request and the existing sites non-conformance with R-3 district setback regulations.

The staff report outlines the difference between the zoning districts and the history of annexations in the area. Section 1135.03, Area and Density Regulations, not included in the staff report, states:

"In the R-3 and R-4 Districts, single-family dwellings on individually subdivided lots shall comply with the regulations for detached, single family homes in the R-2, Single Family District that are contained in Chapter 1133, Single Family Residential Districts".

This section was previously interpreted to be limited to similar area and density regulations in the R-2 district. Based on conversations with D.B. Hartt, the firm that worked with the city to draft the 2007 Zoning Code update, this section intended to apply all regulations of the R-2 District, including setbacks, to single family properties located in the R-3 district.

I have been in contact with the applicant to discuss Section 1135.03 and their concerns of zoning the property R-2 or R-3.



Development Plan #ZC-254 Melrose Drive Map Amendment

Property Owners: Bruce and Jodi Steiner
Applicant: Morris Stutzman
Location: 2553 Melrose Drive
Proposed Zoning: R-2 (Single-Family Residential)

Location and Surrounding Land Uses

The subject annexation consists of a single property encompassing 0.661 acres located on the east side of Melrose Drive. The property is currently located in unincorporated Wayne Township. Properties to the north and south contain single-family homes located in unincorporated Wayne Township. Property to the east is a large undeveloped parcel in Wayne Township. Properties to the west are a school property zoned CF (Community Facilities) and a large single-family residential lot zoned R-1 (Suburban Single-Family).



Proposed Annexation and Zoning

The applicant has proposed the annexation of the 0.661 acres into the City of Wooster. A portion of the area, 0.099 acres, will be dedicated public right-of-way, leaving approximately 0.56 acres of usable lot area.

Section 1101.09 states: Unless otherwise stated in the conditions of annexation, territory annexed to or otherwise becoming a part of the City shall be zoned by Council upon recommendation of the Planning Commission as per Chapter 1119, Amendments. The Planning Commission shall recommend a zoning classification to Council prior to the time Council accepts an annexation.

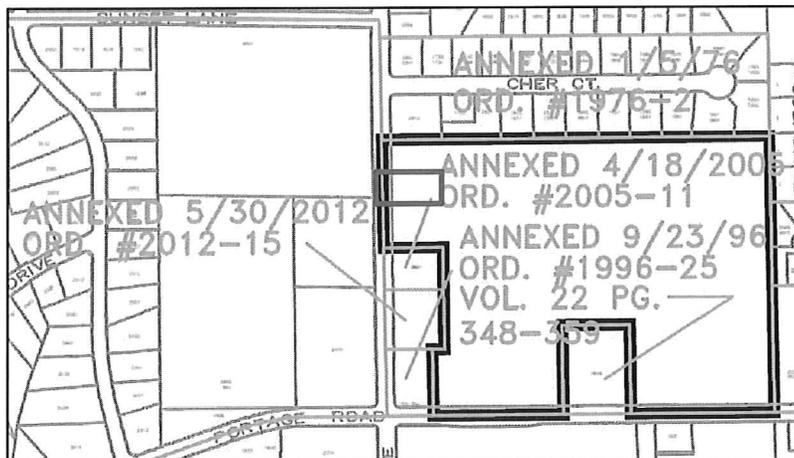


The Wayne County Commissioners voted on June 7, 2013 to approve a resolution for the annexation of the 0.661 acres into the City of Wooster.

Comprehensive Plan/Annexations

The applicant has proposed a zoning of R-2 (Single-Family) for the property. The Wooster Comprehensive Plan, which typically would guide such a zoning classification, does not place the unincorporated area northeast of the intersection of Porter Road and Melrose Drive in one of the plan’s Development Character Areas. The area is between the Portage Road/585 Commercial Character Area and the Central Residential Neighborhood Character Area of the Comprehensive Plan. The former is identified for commercial development and the latter is identified for continued single-family residential development.

The unincorporated area northeast of the intersection of Porter Road and Melrose Drive is an area of transition between commercial zoning to the south and east and single-family residential zoning to the north and west. Recent annexations in the area, indicated below in 1996, 2005 and 2012, have been zoned R-3 (Attached Single-Family/Townhouse).



Zoning of the properties as R-3 likely aimed to provide a multi-family use between existing commercial and single-family residential zoning and uses. Transitioning from industrial, to commercial, to multi-family residential, to single-family residential is a common practice in traditional zoning. The practice aims to transition more intensive uses to less intensive uses and avoid adjacent incompatible land uses.

Zoning Districts

R-2 Zoning District

The district allows for single-family homes as a permitted use, two-family homes as conditional use, and a number of community facilities and open space uses as conditional uses. The R-2 district also has the following minimum lot requirements, which the subject property meets.

Minimum Lot Size	0.15 acres
Minimum Lot Width	50 ft.
Maximum Lot Coverage	25% or 2,300 sq. ft. (whichever is greater)



R-3 Zoning District

The district allows for single-family homes (for lots created prior to June 21, 2007), attached single-family dwellings, multi-family dwellings, and a number of community facilities and open space uses as conditional uses. The R-3 district also has the following minimum lot requirements, which the subject property meets.

Minimum Lot Size	None, 5 acres for a development
Minimum Lot Width	100 ft.
Maximum Lot Coverage	25%

Staff Recommendation

Staff recommends a zoning of R-3 (Attached Single-Family/Townhouse) for the property at 2553 Melrose Drive. An R-3 zoning is consistent with the zoning of recently annexed properties in the unincorporated area northeast of the intersection of Porter Road and Melrose Drive, provides a transition in zoning districts between commercial and single-family residential and does not create nonconforming conditions on the subject property.

Criteria for Approval

When a proposed amendment would result in a change of zoning classification of any property, the Planning Commission and the City Council should consider whether:

- (1) The change in classification would be consistent with the Comprehensive Plan of the City or other adopted plans and policies.
- (2) The change in classification would be consistent with the intent and purposes of this Planning and Zoning Code.
- (3) The proposed amendment is made necessary because of changed or changing conditions in the area affected, and if so, the nature of such changed or changing conditions.
- (4) The uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity. The Planning Commission may suggest conditions and restrictions on the uses that would be permitted on the property if it were reclassified in order to attain compatibility with the uses permitted on other property in the immediate vicinity.
- (5) The uses that would be permitted on the property if it were reclassified would have an adverse environmental or health impact on the immediate surrounding area in terms of acceptable air, noise, light, or water quality standards.
- (6) Adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified.
- (7) The amount of vacant land with the same zoning classification as proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, if any, make a substantial part of such vacant land unavailable for development.
- (8) The proposed amendment would correct an error in the application of this Planning and Zoning Code as applied to the subject property.

**Supplemental Information
Request for Zoning Code Amendment**

1. The name, address and phone number of the applicant and the property owner if other than the applicant.

Applicant: Morris Stutzman, Attorney
2171 Eagle Pass
Wooster, Ohio 44691
(330) 264-6115

Property Owners: Bruce A. Steiner
Jodi M. Steiner
2553 Melrose Drive
Wooster, Ohio 44691

2. A statement of the reason(s) for the proposed amendment.

The reason for the proposed amendment is that the Wayne County Commissioners have approved annexation of the property to the City of Wooster. A single family residence is located on the property. The applicant/owners are requesting that the Planning Commission recommend to City Council that the property be given a zoning classification of R-2 when it is annexed.

3. A statement on the ways the proposed amendment relates to the Comprehensive Plan.

The property, which has frontage on Melrose Drive, would appear to be at the edge of the "Central Residential Neighborhood" identified in the City's Comprehensive Plan and in close proximity to the "Portage Road - SR 585 Commercial Area".

The Comprehensive Plan recommends continued single family residential development for its "Central Residential Neighborhood" and a mix of retail, office and residential for its "Portage Road - SR 585 Commercial Area".

The property has a single family home located on it and so, an R-2 classification would be consistent with the City's Comprehensive Plan.

4. Legal description of the parcel(s) to be rezoned, drawn by an Ohio registered/licensed surveyor.

A legal description and survey of the parcel to be re-zoned are attached hereto as Exhibits A and B.

FILE COPY

5. Present use and zoning district.

The property is presently used as a single family residence. It is located outside the City of Wooster and therefore, not within any zoning district.

6. Proposed use and zoning district.

The proposed use of the property is residential; and applicant/owners are proposing R-2 as its zoning district.

The adjacent properties are not within the City's limits and therefore, not zoned. However, the properties farther north (corner of Melrose and Cher Court as well as along Cher Court) are zoned R-2. Therefore R-2 is consistent with other properties within the City located in the immediate vicinity of this property.

7. A vicinity map showing property lines, thoroughfares, existing and proposed zoning.

A copy of the existing Zoning Map for properties in the vicinity of the property which is the subject of this Zoning Amendment is attached hereto as Exhibit C.

8. A list of all property owners lying within 200 feet of any of the property in which the zoning amendment is requested, including their addresses and permanent parcel numbers as shown on the Wayne County Auditor's current tax list.

Such list is attached hereto as Exhibit D.

ORDINANCE NO. 2013-36

AN ORDINANCE AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH A QUALIFIED VENDOR FOR THE CONSTRUCTION AND MAINTENANCE OF A COMMUNICATIONS TOWER AND RELATED FACILITIES ON CITY-OWNED PROPERTY; AND DECLARING AN EMERGENCY

WHEREAS, it is necessary for the safe and efficient operation of safety and other related city services to provide a means of radio and/or cellular communications; and

WHEREAS, with the planned demolition of the Winter Street water storage tank, on which the city has previously located antennas for such communications, it is necessary to identify another site that is in close proximity thereto in order to maintain such radio and/or cellular communications capabilities; and

WHEREAS, the former Layton School property possesses the attributes (elevation; proximity to the existing Winter Street tower) necessary to support such necessary city services; and

WHEREAS, based upon preliminary discussions with representatives of vendors currently providing such services within the city, the director of administration believes that it may be possible to negotiate an agreement with a tower contractor or cellular provider for the construction and maintenance of such facilities, thereby resulting in a substantial savings to the city.

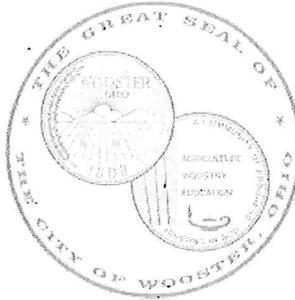
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That the Director of Administration is hereby authorized to enter into a technical services contract with a qualified vendor for the construction and maintenance of a communications tower and related communications facilities on city-owned property, the primary purpose of which will be to facilitate radio and/or cellular communications for the police, fire, maintenance and utilities divisions of the municipal government; provided that the vendor may, in addition thereto, provide for facilities that will also serve cellular providers within the city of Wooster.

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 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 such agreements for the benefit of local cellular services; wherefore, this Ordinance shall be in full force and effect from and

Robert F. Breneman
Mayor



Joel Montgomery, PE
Director of Administration
Phone (330) 263-5244
Fax: (330) 263-5247
Email: jmontgomery@woosteroh.com

CITY OF WOOSTER
538 N. Market Street * P.O. Box 1128
Wooster, Ohio 44691-3406

August 16, 2013

Property Owner
123 Main Street
Wooster, Ohio 44691

Dear Property Owner:

RE: Public Notice
Communications Facilities at the Layton Property

The City Council of the City of Wooster will be considering legislation authorizing the placement of a communications tower on the former Layton School property, at the regularly scheduled Council meeting on:

Monday, August 19, 2013 at 7:30 p.m.

at Wooster City Hall, 538 North Market Street, Wooster, Ohio. Authorization is being requested to enter into a contract with qualified contractor for the construction and maintenance of a communications tower and related facilities at 1859 Burbank Road.

Reason for Request:

The City has several communications facilities located on the current Winter Street water tower, which is scheduled to be demolished by the end of 2014. Therefore, there is a need to relocate the antennas, repeaters, and other equipment for Police, Fire, Maintenance, and Utilities communications and telemetry to a structure with sufficient height, capacity, and accessibility characteristics, and within close proximity to the existing Winter Street facilities.

The Administration has also been coordinating with existing cellular service providers that are currently located on the Winter Street water tower for relocation of their facilities. Presently, we have contracts with three companies that lease space on the water tower. Were we not demolishing it, we would be coordinating a significant water tower repair, maintenance, and painting project with these companies and their facilities. Our experience with the location of multiple cell phone and other facilities on our water towers, and the associated damage caused by the structural stress, has led us to determine that it is not in our best interests to continue this practice. However, the City is reluctant to forfeit the revenue generated by these relationships (currently over \$53,000 per year).

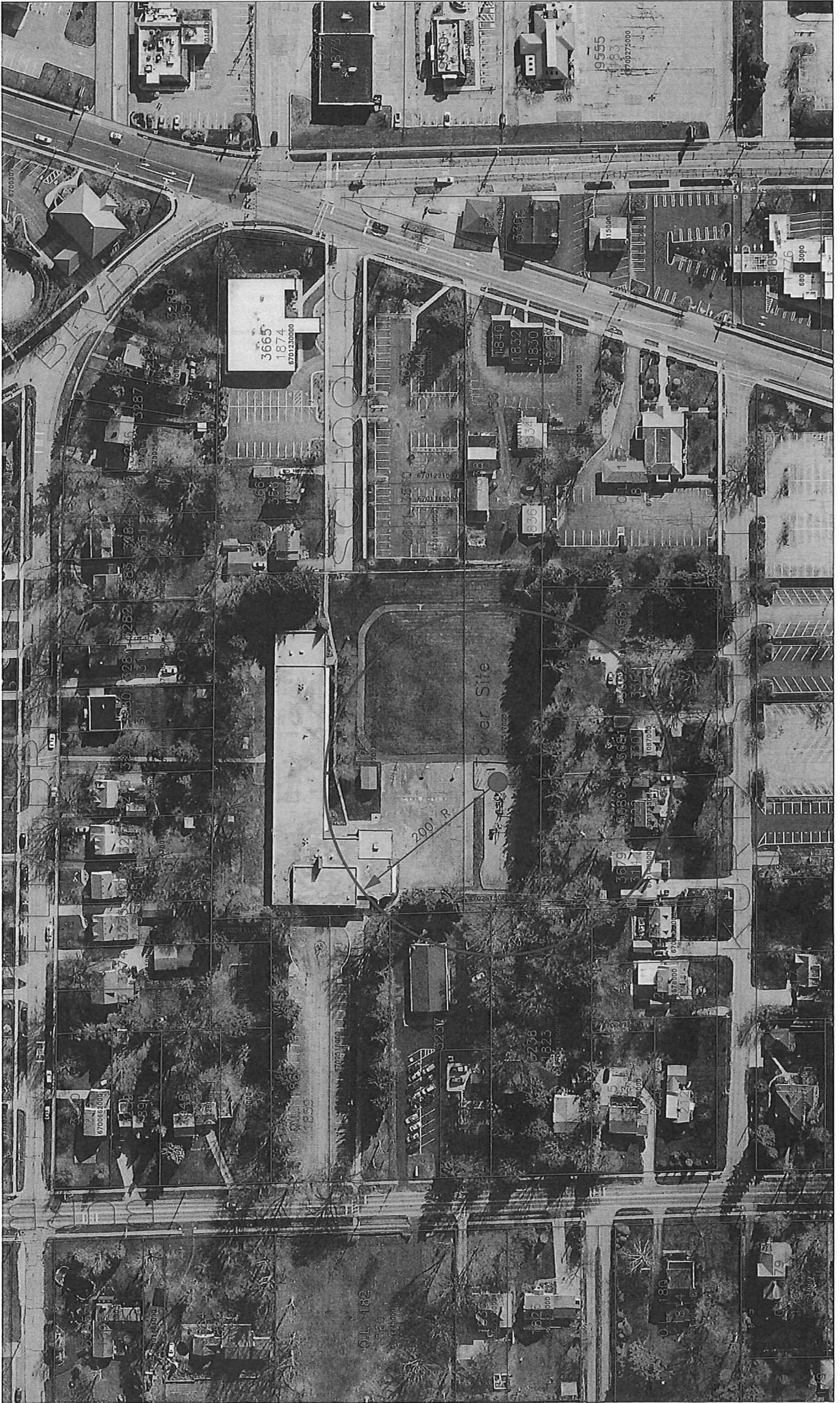
Therefore, these factors have compelled us to investigate potential solutions to our need for a structure that could provide the necessary capabilities for the *City's* communications facilities, as well as potentially retaining the revenue we receive from the cell phone providers. The Layton property was purchased primarily for the purpose of constructing a new water tower to replace the Winter Street tower. However, this is not planned to begin for at least 5 years. Since the new water tower will not be constructed for several years, and communications facilities located on water towers has proven to be problematic, a separate structure will be needed within the next 12 months.

The best and most cost effective solution would be to have a structure constructed on the Layton School property that could accommodate all of our current and future communications needs. Preliminary discussions with several cell phone providers and communications tower construction companies have indicated that a mono-pole (solid pole, no guy wires, no lattice) could be constructed within a 100' x 100' area on the Layton property. The tower would be just less than 200' tall and located within a fenced area with trees for screening. The property's ground elevation and proximity to the Winter Street tank site make it ideal for this use.

Current City ordinance authorizes the Director of Administration to execute contracts with cell providers on City owned facilities. Current City zoning ordinances also exempt antenna towers from the need for a zoning permit as long as the tower serves a public purpose. However, due to the nature of the project and the location adjacent to residential properties, the City is communicating these plans with the public and inviting public input.

All interested parties are welcome to attend. Further information is available from the office of the Director of Administration, Joel Montgomery, at 330.263.5244, during regular office hours.

Joel Montgomery, PE
Director of Administration



All boundaries ARE NOT survey quality and are for reference only.

Scale: 1"=100'

PREPARED BY
CITY OF WOOSTER
DIVISION OF ENGINEERING
300 N. MARKET ST.
WOOSTER, OHIO 44691
PH: (330) 265-3251
FAX: (330) 265-3252



RESOLUTION NO. 2013-71

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH OHM ADVISORS OF GAHANNA, OHIO FOR COMPREHENSIVE PLANNING SERVICES

WHEREAS, the director of administration, in consultation with the planner, has recommended that the municipal government update the existing comprehensive plan by evaluating the existing and future needs of the city relative to land use and development, infrastructure needs, public safety strategies, and planning for related public services; and

WHEREAS, OHM Advisors is a firm which possesses the expertise and experience to provide such consulting services; and

WHEREAS, the cost of the proposed engagement is budgeted for FY 2013, and this Council deems that prompt action is necessary in order to finish and implement the resulting plan by the end of year 2014.

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 services contract with OHM Advisors of Gahanna, Ohio for comprehensive planning services.

SECTION 2. The cost of such contract will not exceed the amount budgeted.

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: 8-19-13 Passed: _____ Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2013
Mayor

Introduced by: Jon Ansel

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

Division Planning and Zoning	Meeting Date Requested August 19, 2013
Project Name Comprehensive Plan Update	Approved for Agenda
Estimated Total Cost \$69,448	
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 enter into a contract with a qualified planning consultant to facilitate an update of the city's comprehensive plan. The consultant will work with staff to formulate the plan update process, conduct public meetings and compile public opinion, coordinate and direct the creation of the plan, draft the plan, and provide hard and electronic copies of the document.	
Justification / Benefits The current comprehensive plan was completed in 2002. Changing conditions over the past eleven years in the City and surrounding area necessitate an update of the plan. Engaging a planning consultant with expertise in coordinating the many aspects involved in a comprehensive plan update is essential. Per the RFP for the plan update, detailed proposals were submitted by firms indicating their qualifications and providing information concerning the planning process. The final selection was based on a review of the qualifications, reference checks and interviews by City staff.	
Will This Project Effect the City's Operating Costs As this project is within the current budget, the city's operation cost will not be effected.	
What Alternatives Exist and What Are The Implications of The Alternatives The alternatives to employing a consultant are an update of the comprehensive plan solely by city staff or not updating the plan at this time. The estimated time necessary for the consultant to conduct the process is 677 hours. The city is currently not staffed for such a time commitment to update the comprehensive plan. Not updating the plan will result in decisions regarding future growth, redevelopment, transportation, and public facilities being guided by a plan that is not in sync with current conditions.	
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Note Reasons The update to the comprehensive plan has been budgeted for the current year and moving from the consultant selection phase to the initial stages of the update in a timely manner will provide continuity to the process.	
Division Manager Andrew Dutton	Date August 14, 2013

Res # 71

**Request for Agenda Item
Non-Capital**

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

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

Attached are proposed amendments to Chapter 155 which the Design & Review Board recommended approval of at their August 13, 2013 meeting.

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

Y

Manager Requesting

Date

Approved for Agenda

37
Ord # 39

ROBERT F. BRENEMAN
Mayor



ANDREW DUTTON
Planning & Zoning Manager
330-263-5238

LAURIE HART
Administrative Assistant
330-263-5200 x304

CITY OF WOOSTER
DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION
538 N. MARKET STREET
P.O. BOX 1128
WOOSTER, OHIO 44691
Fax: 330-263-5274

August 14, 2013

Wooster City Council
538 North Market Street
Wooster, OH 44691

Dear Council Members:

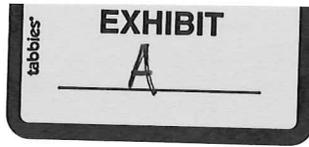
At the August 14, 2013 meeting of the Wooster City Design & Review Board, a motion was made and carried to recommend to City Council approval of changes to Chapter 155, Design & Review Board. A copy of the proposed changes is attached for your review and action.

Sincerely,


John Campbell, Chairman
Wooster City Design & Review Board

JC/lah
Enclosure

Request for Agenda Item (City Council)
Proposed Legislation to Chapter 155



**CHAPTER 155
Design and Review Board**

155.01	Definitions. Purpose.	155.057	Designation of Landmarks and Landmark Districts.
155.02	Establishment and organization. Definitions.	155.068	Record of Landmarks.
155.03	Purpose. Establishment and organization.	155.07	Regulation of building or environmental change or rehabilitation.
155.04	Financial interest of members. Meetings and procedure.	155.08	Additional powers and duties.
155.05	Powers and duties.	155.09	Changes not prohibited.
155.06	Certificate of Appropriateness.	155.10	Appeals of the Design Review Board's decision.
		155.9911	Penalty.

155.01 PURPOSE.

- (a) The purpose of the ~~Design and Review Board~~ *this Chapter is to provide a means for the designation and protection of Landmarks and Landmark Districts in the City of Wooster (hereinafter referred to in this Chapter as the "City")* pursuant to the procedures hereinafter described, in order to preserve, protect, and perpetuate places, buildings, structures, works of art, and other objects having a special historical, community, or aesthetic interest or value, all for the reasons described below:
- (a1) To safeguard the heritage of the City by preserving sites and structures which reflect elements of the City's cultural, social, economic, political, *archeological*, or architectural history;
 - (b2) To stabilize and improve property values;
 - (c) ~~To protect and enhance the City's attractions to residents, visitors and tourists, and serve as a support and stimulus to business;~~
 - (d3) To enhance the visual and aesthetic character, diversity and interest of the City;
 - (e4) To foster civic pride in the beauty and notable accomplishments of the past;
 - (f5) To promote the use and preservation of historic *and archeological* sites and structures for the education and general welfare of the people of the City; *and*
 - (g) ~~To strengthen the economy of the City; and~~
 - (h6) To take ~~whatever steps as may be necessary~~ *measures* to safeguard the property rights of the owners whose property is declared to be a "Landmark" or is located in an area designated as a "Landmark District".

- (b) *The requirements of this Chapter shall be met in addition to the established requirements and standards of the other applicable ordinances of the City; and*
- (c) *Where conflicts exist between requirements of this Chapter and other ordinances adopted by Council, the strictest interpretation shall apply and thereby supersede the less strict requirement.*

155.042 DEFINITIONS.

As used in For the purpose of this Chapter, the following terms shall have the meaning herein indicated:

- (a) *"Alteration". means any design, material or color change to the external architectural features of any Landmark structure or any structure located within a Landmark District or site. Any exterior design, material, or color modification to features of a structure or site element.*
- (b) *"Building change". means aAny alteration, demolition, removal or construction (as those terms are defined herein) involving a Landmark structure or any structure which is located within a Landmark District to a building or structure.*
- (c) *Certificate of Appropriateness. A certificate issued by the Design and Review Board pursuant to the applicable provisions of this Chapter authorizing an exterior building or site change involving any structure or site element designated as Landmark or located within a Landmark District.*
- (ed) *"Construction". means †The erection of a new structures in Landmark Districts or on the sites of Landmark structures, as well as, a new site element or an additions to existing Landmark structures.*
- (de) *"Demolition". means †The substantial deterioration or complete or substantial partial removal or destruction of any Landmark structure or any structure which is located within a Landmark District or site element.*
- (ef) *"Environmental Site element change". means any change to the site surrounding a Landmark structure or within a Landmark District, including, but not limited to, fences, signage, and major landscaping. Any alteration, demolition, or construction (as those terms are defined herein) to a site element.*
- (fg) *"Landmark". means any structure which has historic significance, or which represents a period or style of architecture typical of one or more eras in the City's history, and including the site thereof Any building, site element, structure, or property designated as a "Landmark" by ordinance of the City Council, according to the criteria and pursuant to the procedures prescribed in Section 155.07.*
- (gh) *"Landmark District". means any area that contains structures which: An area designated as a "Landmark District" by ordinance of the City Council, according to the criteria and pursuant to the procedures prescribed in Section 155.07.*
 - (1) — Have historic significance;
 - (2) — Represent one or more periods or styles of architecture typical of one or more eras in the City's history, or represent an assemblage of structures important to the City's history;
 - (3) — Cause such area, by reason of such factors, to constitute an identifiable area; and

- (4) ~~Have been designated as a Landmark District pursuant to this chapter's provisions.~~
- (hi) "Rehabilitation". means ~~the~~ process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.
- (j) Repair. *The ordinary maintenance to correct any deterioration, decay or damage to all, or a portion of, a structure or site element which restores the element to its original state as nearly as practicable.*
- (ik) "Removal". means ~~the~~ deletion of any exterior architectural feature ~~from a Landmark structure or from any structure which is located within a Landmark District.~~ *a feature located upon or composing a structure or site element*
- (l) Site element. *Significant objects or features, excluding structures, located on a property including, but not limited to, walkways, signage, railings and independent lighting features.*
- (m) Structure. *Anything constructed or erected that requires a fixed location on the ground or attachment to something having a fixed location on the ground including, but not limited to, buildings, sheds, gazebos, walls, fences, patios, platforms, or driveways.*

155.023 ESTABLISHMENT AND ORGANIZATION.

- (a) There is hereby established the Wooster Design and Review Board (hereinafter referred to *in this Chapter* as the "Board"). The Board shall consist of seven (7) members appointed by the Mayor in accordance with the provisions of the Charter. Such members shall serve without compensation and shall not otherwise be employed by or appointed to any other Wooster municipal office.
- (b) *Members of the Board shall all demonstrate special interest, experience or knowledge in history, architecture or related disciplines.* Membership of the Board should include:
- (1) ~~two~~ *Three (3)* members owning or possessing an interest in property coming under the jurisdiction of the Board; a professional realtor;
 - (2) ~~two~~ *(2)* members representing the disciplines of local history; architecture, design, *architectural history*, history, *archeology*, or planning, *or related disciplines*; and
 - (3) ~~two~~ *(2)* other members selected at the discretion of the Mayor.
- (c) Board Terms. A term of appointment to the Board shall be for three (3) years. Initially, three (3) members shall be appointed for a full term; two (2) members shall be appointed for two (2) years; and two (2) members shall be appointed for one (1) year. Thereafter, appointments ~~will~~ *shall* be for a full term, and vacancies will be filled for *the remainder of* an unexpired term. In accordance with § *Section* 4.06 of the Charter, no member shall serve for more than twelve (12) consecutive years.

155.04 MEETINGS AND PROCEDURES.

- (a) ~~As soon as convenient following their appointment to the Board, the members shall meet and organize and elect a Chairperson and Vice Chairperson.~~ Meetings

shall be held once each month, unless the Mayor or designee informs the Chairperson that there are no pending applications for that month. *The Board shall meet a minimum of four (4) times each calendar year.*

- (b) Four (4) members shall constitute a quorum for conducting business. Any action of the Board shall require the concurrence of a majority of the membership.
- (c) The *Board shall* meeting in January every *each* year shall be the meeting for *the* selecting *on* of a Chairperson and Vice Chairperson and for setting a regular monthly meeting date for that year. *Vacancies shall be filled within sixty (60) days, unless extenuating circumstances require a longer period.*
- (d) *All meetings shall be open to the public and a schedule of regular meeting dates, times and locations shall be available to the public prior to the meeting date. Meeting agendas shall be made available to the public prior to such meeting.*
- (e) *If a Board member has a conflict of interest regarding an application under consideration by the Board, the member shall step down while the issue is being heard, considered and voted upon.*
- (f) *The Board shall have the ability to establish its own rules of procedure that shall be made available to the public*
- (g) *A written annual report of all activists, cases, decisions, special projects and qualifications of Board members shall be kept on file and made available to the public.*

155.03 PURPOSE.

The purpose of the Design and Review Board is to designate and protect Landmarks and Landmark Districts in the City pursuant to the procedures hereinafter described, in order to preserve, protect, and perpetuate places, buildings, structures, works of art, and other objects having a special historical, community, or aesthetic interest or value, all for the reasons described below:

- (a) — To safeguard the heritage of the City by preserving sites and structures which reflect elements of the City's cultural, social, economic, political or architectural history;
- (b) — To stabilize and improve property values;
- (c) — To protect and enhance the City's attractions to residents, visitors and tourists, and serve as a support and stimulus to business;
- (d) — To enhance the visual and aesthetic character, diversity and interest of the City;
- (e) — To foster civic pride in the beauty and notable accomplishments of the past;
- (f) — To promote the use and preservation of historic sites and structures for the education and general welfare of the people of the City;
- (g) — To strengthen the economy of the City; and
- (h) — To take whatever steps as may be necessary to safeguard the property rights of the owners whose property is declared to be a "Landmark" or is located in an area designated as a "Landmark District".

— (Ord. 1995-35. Passed 11-20-95.)

~~155.04 FINANCIAL INTEREST OF MEMBERS.~~

~~No member of the Design and Review Board shall participate in the review of any item for discussion before such Board if such member has any direct financial interest in the property involved in such discussion. (Ord. 1995-35. Passed 11-20-95.)~~

~~155.07 REGULATION OF BUILDING OR ENVIRONMENTAL CHANGE OR REHABILITATION.~~

- ~~(a) — No person owning, renting or occupying property which has been designated a Landmark or which is situated in a designated Landmark District shall make any environmental or building change or rehabilitation in such property without first obtaining of the Design and Review Board with respect to such building or environmental change or rehabilitation.~~
- ~~(b) — The following procedures shall apply to all environmental or building changes or rehabilitation of such property in the City applications for:
 - ~~(1) — Any application to the Building Standards Division for a building permit for an environmental or building change or rehabilitation shall be promptly forwarded to the Board, together with copies of all detailed plans, designs, elevations, specifications and documents relating thereto, for consideration at the next regularly scheduled meeting thereafter. An application may be filed by the applicant directly with the Board at the same time that an application for a building permit is filed or in lieu of filing for a building permit, if no building permit is required for the proposed building or environmental change or rehabilitation.~~
 - ~~(2) — If the Board finds that the building or environmental change or rehabilitation proposed by the applicant:
 - ~~A. — Will not adversely affect any significant historical or aesthetic feature of the property and is appropriate and consistent with the spirit and purposes of this chapter and the "Standards for Rehabilitation" adopted by the U.S. Secretary of the Interior, as found in Title 36 of the Code of Federal Regulations, Part 1208 (formerly 36 CFR Part 67); or~~
 - ~~B. — Will remedy conditions imminently dangerous to life, health or property, as determined in writing by the Chief Building Official, the Fire Chief or the Wayne County Health Department; then the Board shall approve the application.~~~~
 - ~~(3) — If the Board finds that the building or environmental change or rehabilitation proposed by the applicant will adversely affect any significant historical or aesthetic feature of the property, or is inappropriate or inconsistent with the spirit and purposes of this chapter, the Board shall disapprove the application and so advise the applicant and the Building Standards Division in writing within sixty (60) days after receiving the application.~~
 - ~~(4) — If it disapproves the application, the Board shall have the power to impose and enforce a waiting period of up to six (6) months from the date of its notice of disapproval, during which period the Board shall conduct~~~~

negotiations with the applicant and any other party in an effort to find a means of preserving the property as follows:

A. — With respect to an application involving an alteration, the Board and the applicant shall work together during such period to find a mutually agreeable method of completing the proposed building or environmental change or rehabilitation.

B. — With respect to an application involving a demolition, removal or construction, the Board, in its discretion, may extend the original waiting period of six (6) months by no more than an additional six (6) months. During such period, the Board and the applicant shall undertake meaningful and continuing discussions for the purpose of finding a method of saving such Landmark. The Board shall also investigate the feasibility of all available ways and means of preserving the Landmark, including, without limitation, inducing by contract or other consideration the creation of covenants restricting the use of the property; leasing and subleasing the property for the purposes of preservation; and acquiring by eminent domain or contract or conveyance all or any part of or interest in the property.

If the Board and the applicant are unable to agree on a means of preserving the Landmark within the waiting period, the Board, upon the expiration of such period or extension thereof, shall approve the application with respect to the proposed environmental or building change or rehabilitation.

(5) — Upon granting approval, the Board shall give written notices to the applicant and the Building Standards Division.

(6) — If no action has been taken by the Board on an application within sixty (60) days after such application has been received by the Board, the application shall be deemed approved.

(7) — Nothing contained herein shall obviate compliance by the owner of such property with all other applicable ordinances, rules and regulations of the City.

(Ord. 1995-35. Passed 11-20-95.)

155.085 ADDITIONAL POWERS AND DUTIES.

The Design and Review Board shall have the following powers and duties in addition to those otherwise specified in this chapter:

- (a) *The Board shall consider and take action on applications for Certificates of Appropriateness in conformance with the provisions of this Chapter.*
- (b) *The Board shall propose and make recommendations for the designation of Landmarks and areas to be designated as Landmark Districts in conformance with the provisions of this Chapter.*
- (c) *The Board shall review, and provide a recommendation for, final development plan applications for exterior building alterations or renovations, building additions, or new construction in the C-4 District in accordance with Section*

1141.11 and sign permits in the C-4 District in accordance with Section 1171.04(a) and Section 1171.07.

- (ed) The Board shall conduct a continuing survey of all areas, places, buildings, structures, works of art or similar objects in the City which the Board, on the basis of information available or presented to it, has reason to believe are or will be eligible for designation as Landmarks or Landmark Districts.
- (be) The Board shall work for the continuing education of the residents of the City with respect to the historic and architectural heritage of the City and the Landmarks *and Landmark Districts* designated under the provisions of this Chapter. It shall keep current and public a register of Landmarks and Landmark Districts.
- (ef) The Board shall have authority to establish rules and regulations consistent with the provisions of this Chapter and the spirit of its purpose to assist the Board in evaluating applications for Landmark designations submitted to it, the manner in which such applications are processed, and the proper and orderly conduct of its business.
- (dg) The Board shall act as a liaison on behalf of the City to individuals and organizations concerned with historic preservation. The Board shall also act in an advisory role to other officials and departments of local government regarding the protection of local cultural resources.
- ~~(e) The Board may accept the services on a permanent or part-time basis of technical experts and such other persons as may be required to perform its duties; provided that no General Fund moneys are used for such services, except as may be appropriated by City Council.~~
- ~~(f) To the extent that other sections of the Codified Ordinances provide for review and approval of signage by any predecessor body, such signage shall then be subject to the review and approval of the Design and Review Board.~~
- (h) *The Board may seek professional expertise when considering a National Register nomination and other actions which are normally evaluated by a professional in a specific discipline, and that discipline is not represented on the Board.*
- (i) *Board members are encouraged to attend training, educational sessions or in-depth consultation with the Ohio Historic Preservation Office (hereinafter referred to as the "OHPO") once a year.*
- (j) *Additional responsibilities may be undertaken by the Board upon mutual written agreement between the OHPO and the City.*

155.06 CERTIFICATE OF APPROPRIATENESS.

- (a) *Certificate of Appropriateness Required.*
 - (1) *No construction, reconstruction, demolition, relocation, or other exterior alteration to any structure or site element designated as, or upon, a Landmark or located within a Landmark District shall occur until a Certificate of Appropriateness has been applied for, and issued by, the Design and Review Board in accordance with this Chapter.*
 - (2) *No Certificate of Zoning Compliance, Zoning Permit and/or other appropriate permits shall be issued by the Planning and Zoning Division*

for any construction, reconstruction, demolition, relocation, or other exterior alteration to a structure or site element designated as, or upon, a Landmark or located within a Landmark District unless a Certificate of Appropriateness has been issued.

(b) Certificate of Appropriateness Procedure for Design Review.

- (1) *Applications for a Certificate of Appropriateness shall be filed with the Planning and Zoning Division no less than seven (7) days prior to the meeting of the Board.*
- (2) Application Contents. *An application for a Certificate of Appropriateness shall contain the following, as applicable:*
 - A. *A completed application to the Design and Review Board, as prepared by the Planning and Zoning Division.*
 - B. *A complete detailed description of the proposed alteration, construction, demolition, removal, or other external change to structures or site elements.*
 - C. *A plot plan, legibly drawn and to scale, indicating all existing and proposed structures, drives, walks, signs, and other significant features.*
 - D. *A description or sample of materials to be used in the proposed project.*
 - E. *Sketches, photographs and other illustrative material relevant to the proposed project.*
 - F. *Applications for the demolition of a structure shall also include:*
 - i. *Photographic documentation of the structure, inside and out, showing existing conditions.*
 - ii. *A written evaluation of the structure's current condition and the cause of such structures state of disrepair, as applicable.*
 - iii. *A written statement outlining the reasons for demolition, alternatives to demolition that have been considered and the demolition's conformance with Section 155.06(b)(4).*
 - iv. *Architectural plans for proposed new construction on the site or reconstruction of the structure, as applicable.*
 - G. *Any additional information as is deemed necessary to review the application by the Planning and Zoning Division or the Board.*
- (3) *The application shall be heard at a Board meeting per Section 155.05. The applicant, or his representative or agent, is encouraged to be present at the meeting at which action on the request is to occur.*
- (4) *When reviewing a Certificate of Appropriateness application, the Board shall consider if such application is:*
 - A. *Appropriate to the preservation of the environmental, architectural or historic character of the structure and property pursuant to the design criteria found in Section 156.06(c).*
 - B. *Consistent with the spirit and purposes of this Chapter and the "Standards for Rehabilitation" adopted by the U.S. Secretary of*

the Interior, as found in Title 36 of the Code of Federal Regulations, Part 1208.

- C. *In concert with the Archaeological Guidelines as prepared by the OHPO.*
 - D. *In accordance with the following considerations regarding applications for the demolition of a structure:*
 - i. *The demolition of the structure will not be detrimental to the character of the area and City and will be an improvement to existing conditions.*
 - ii. *The applicant has adequately documented the existing structure for the purpose of historical records.*
- (5) *Following its review, the Design and Review Committee shall either:*
- A. *Approve the Certificate of Appropriateness as submitted;*
 - B. *Approve the Certificate of Appropriateness subject to specific conditions; or*
 - C. *Deny the Certificate of Appropriateness.*
- (6) *If no action is taken within sixty (60) days from the date of application, the Certificate of Appropriateness shall be issued as a matter of law. This provision shall not apply if the application is tabled due to lack of information provided by the applicant, or due to the applicant requesting that the application remain tabled.*
- (7) *A Certificate of Appropriateness shall be conditional upon the commencement of work within one (1) year of issuance. If work has not commenced within one (1) year of issuance or work has not been more than fifty (50) percent completed within one and one-half (1½) years of issuance, the certificate shall expire and be revoked.*
- (c) *Design Criteria.* *The following design criteria shall apply to all buildings, site elements, structures and property designated as Landmarks or within a Landmark District:*
- (1) *All construction, reconstruction, exterior alteration, demolition, or other exterior structure or site element change shall preserve the character, historical significance, and architectural style of the existing buildings, site elements, structures and property. Such changes shall be visually compatible with the subject structure, property and area, and a false sense of history shall not be created.*
 - (2) *Materials.* *Traditional building materials such as wood, brick, metal, or stone shall be used for construction, reconstruction, exterior alteration, or other exterior structure or site element change. Modern man-made materials may be utilized at the discretion of the Board if the proposed project keeps in character with the existing building, site, area structures, and “Wooster’s Historic Properties and Districts Design Guidelines”.*
 - (3) *Building Massing.* *For new construction and additions, the structure’s width, height, surrounding setbacks and style shall be considered in relationship to adjacent structures. This relationship between structures*

shall allow for consistency of style, size and density in each given neighborhood area.

- (4) *Enhancement of Pedestrian Environment. Where possible, elements which can contribute to the quality of the pedestrian environment and other public amenities should be promoted. Included among these may be benches, water features, seating areas, arcades, awnings or canopies.*
- (5) *Signage. Signage shall be proportionally scaled and appropriately designed to coalesce with the subject building, site and area.*
- (d) *Wooster's Historic Properties and Districts Design Guidelines. Wooster's Historic Properties and Districts Design Guidelines shall serve as a guide for the review of a Certificate of Appropriateness application. The guidelines shall facilitate the Board in their review process in concert with the aforementioned design criteria.*

155.057 DESIGNATION OF LANDMARKS AND LANDMARK DISTRICTS.

- (a) *Nomination. Any area, property, structure, landscape, site element or object in the City may be nominated for Landmark or Landmark District designation by any of the following:*
 - (1) *One (1) or more Board Members;*
 - (2) *The Owner of the applicable property;*
 - (3) *The City Council;*
 - (4) *The City Administrator; or*
 - (5) *An organization or individual with a stated interest.*
- (b) *Consideration. In determining whether or not a nomination should be designated a Landmark or Landmark District, the Board and City Council shall consider the following criteria:*
 - (1) *Its character, interest or value as part of the development, heritage, archeological, or cultural characteristics of the City of Wooster, State of Ohio, or the United States.*
 - (2) *Its location as a site of a significant historic event.*
 - (3) *Its identification with a person or persons who significantly contributed to the culture and development of the City.*
 - (4) *Its exemplification of the cultural, economic, social or historic heritage of the City.*
 - (5) *Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.*
 - (6) *Its embodiment of a distinguishing characteristic of an architectural type or specimen.*
 - (7) *Its identification as the work of an architect or master builder whose individual work has influenced the development of the City.*
 - (8) *Its embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation.*
 - (9) *Its relationship to other distinctive areas which are eligible for preservation according to a plan based on a historic, cultural or architectural motif.*

- (10) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community or the City.
 - (11) Such other individual characteristics as shall be relevant to its designation as a Landmark or Landmark District.
- (c) Public Hearing, Notification and Recommendation by the Design and Review Board.
- (1) Public Hearing. Upon receipt of a Landmark or Landmark District nomination, the Board shall set a public hearing date for reviewing the proposed nomination.
 - (2) Notification.
 - A. Written notice shall be mailed to the owners of properties at the nominated Landmarks or within the nominated Landmark District at least ten (10) calendar days prior to the public hearing.
 - B. Notice of the public hearing shall be given in one (1) or more newspapers of general circulation in the City at least ten (10) calendar days before the date of such public hearing.
 - C. Notices shall specify the nature of the public hearing and the date, time and place of such meeting.
 - (3) Recommendation. At the conclusion of the public hearing, the Board shall make a recommendation to Council to approve the nomination, approve the nomination with modifications or deny the nomination. A majority of the Board voting in the affirmative of the recommendation shall be required for its passage.
- (d) Public Hearing, Notification and Recommendation by City Council.
- (1) Public Hearing. Upon receipt of the recommendation for a Landmark or Landmark District nomination from the Board, City Council shall set a public hearing date for reviewing the proposed nomination.
 - (2) Notification.
 - A. Written notice shall be mailed to the owners of properties at the nominated Landmarks or within the nominated Landmark District at least ten (10) calendar days prior to the public hearing.
 - B. Notice of the public hearing shall be given in one (1) or more newspapers of general circulation in the City at least ten (10) calendar days before the date of such public hearing.
 - C. Notices shall specify the nature of the public hearing and the date, time and place of such meeting.
 - (3) Action by City Council. At the conclusion of the public hearing, Council shall take action on the proposed nomination.

- A. *Council's action shall adopt the recommendation of the Board, deny the recommendation of the Board or adopt some modification thereof.*
- B. *A majority vote of the membership of Council shall be necessary for the adoption of Landmark or Landmark District.*
- C. *If the recommendation for a nominated Landmark or Landmark District is not adopted by Council within one hundred twenty (120) days after the most recent recommendation from the Board, such proposed recommendation shall be deemed to have been defeated and denied.*

- ~~(a) — The Design and Review Board may propose the designation of a place, building, structure, work of art or similar object in the City as a Landmark or a Landmark District. The Board may initiate such a proposal, or any owner of property may apply to the Board for such designation of his or her property.~~
- ~~(b) — When the Board proposes the designation of any area, place, building, structure, work of art, or similar object in the City as a Landmark or Landmark District, it shall thereupon take the following actions:

 - ~~(1) — The Board shall advise the Planning Commission of the proposed designation and secure from the Planning Commission its opinion and recommendation with respect to the effect of the proposed designation upon the surrounding neighborhood, and its opinion and recommendation as to any planning considerations which may be relevant to the proposed designation. Such recommendation shall become part of the official record concerning the proposed designation, and shall be submitted by the Board to City Council, along with the Board's recommendation concerning the proposed designation. In making its recommendation, the Board may make such modifications, changes and alterations concerning the proposed designation as it deems necessary in consideration of the recommendation by the Planning Commission.~~
 - ~~(2) — The Board shall thereafter notify the owner of such property of the proposed designation. Whenever possible, the Board shall secure the owner's written consent to the proposed designation, and shall submit such consent, along with its recommendation, to City Council. In the event that the owner refuses or declines to give such consent to the proposed designation, the Board shall schedule a public hearing on the question of the proposed designation, setting forth a date, time and place for the hearing, and causing written notice to be given to the owner or any person having a legal or equitable interest in such property being proposed for designation. The Board shall also cause a legal notice to be published in a newspaper of general circulation in the City setting forth the nature of the hearing, the property involved, and the date, time and place of the scheduled public hearing.~~~~

- (3) ~~The Board shall conduct the public hearing provided by subsection (b)(2) hereof, and shall provide a reasonable opportunity for all interested parties to express their opinions under such rules as the Board may adopt for the purpose of governing the process of the hearing. Each speaker shall be fully identified as to name, address and interest represented. Within fifteen (15) days after the date of the hearing, the Board shall make a written recommendation with respect to the proposed designation, and shall so notify the owner or any person having a legal or equitable interest in such property, as well as such other interested parties as may request a copy thereof. The Board shall set forth in its recommendation such findings of fact which constitute the basis for its decision, and shall transmit such recommendation concerning the proposed designation to City Council.~~
- (4) ~~In making its determination with respect to the proposed designation of any areas, places, buildings, structures, works of art and other similar objects as Landmarks or Landmark Districts, City Council shall give due consideration to the findings and recommendation of the Board, as well as such views as may have been expressed by persons participating in the hearing before the Board, and to the recommendation of the Planning Commission. City Council may, in its discretion, hold public hearings on any such proposed designation, whether such designation is proposed only with the consent of the owner, or after public hearings before the Board. Upon its conclusion, City Council may designate by ordinance such areas, places, buildings, structures, works of art and other similar objects as a Landmark or Landmark District.~~
- (5) ~~As soon as is reasonably possible thereafter, the Board shall notify the City Building Standards Division of the official designation. The Board shall also file with the Recorder of Deeds of Wayne County a certified copy of the designation ordinance, together with a notice briefly stating the fact of such designation and a summary of the effects such designation will have. Further, the Board shall send by registered mail to the owner and any person having a legal or equitable interest in such property a certified copy of such ordinance and a copy of the notice hereinabove described.~~
- (6) ~~Notwithstanding any other provision of this chapter, City Council may, by ordinance, rescind the designation of any area, place, building, structure, work of art or similar object as a Landmark or Landmark District, relieving the owner of such area, place, building, structure, work of art or similar object from any duties or penalties contained in this chapter. (Ord. 1995-35. Passed 11-20-95.)~~

155.068 RECORD OF LANDMARKS.

- (a) The Design and Review Board shall maintain in the office of the Clerk of City Council a register of all properties designated as Landmarks or Landmark Districts. Such designations shall also be made a part of the records of the City's ~~Building Standards~~ *Planning and Zoning* Division.
- (b) *The City shall initiate and maintain a process approved by the OHPO for the survey and inventory of cultural resources which shall be:*
 - (1) *Recorded on Ohio Historic Inventory, Ohio Archaeological inventory forms.*
 - (2) *Updated periodically to reflect changes, alterations, and demolitions.*
 - (3) *Made available to the public and the OHPO and stored on record of the City's Planning and Zoning Division.*
- (c) The Board may place or cause to be placed on such Landmark *or Landmark District* properties a plaque or other designation that such property or part thereof has been designated a Landmark *or Landmark District* in the City.

155.09 CHANGES NOT PROHIBITED.

Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of any property which has been designated a Landmark or which is situated in a designated Landmark District, and which does not involve a change in design, material, or outer appearance thereof; nor to prevent any environmental or building change that the Building Standards or Fire Divisions shall certify in writing is required by the public safety because of an unsafe or dangerous condition.

155.10 APPEALS OF THE DESIGN REVIEW BOARD'S DECISION.

Any person aggrieved by any action or decision of the Board under this Code may appeal any such action or decision to the Court of Common Pleas under Ohio R.C. Ch. 2506.

155.9911 PENALTY.

- (a) Whoever violates ~~Section 155.07(a)~~ *the provisions of this Chapter* shall be guilty of a *minor* misdemeanor ~~of the fourth degree~~. Each and every day in which such violation continues shall be deemed a separate offense.
- (b) Any criminal remedy for a violation of this ~~e~~Chapter is in addition to any other remedies available to the City under the Codified Ordinances or any other law or regulation, including injunctive relief to stop work or return a structure to its original appearance.

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

Division Engineering	Meeting Date Requested September 3, 2013
Project Name North Street W/L	Approved for Agenda
Estimated Total Cost \$ 115,000 (Water Fund - \$100,000 and Sanitary Sewer Fund - \$15,000)	
Is Full Amount Budgeted <input type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded?	
<p>Description Of Purchase This is a request to authorize advertisement and award of a contract to the lowest and best bidder for the replacement of the W/L on North Street. This project involves the replacement of an existing 2" W/L with a history of breaks before resurfacing Market Street. The project will also place two sanitary manholes replacing an existing lamphole and deteriorating sanitary manhole.</p>	
<p>Justification / Benefits This project will replace an aging waterline and sanitary sewer manhole in preparation for the pavement work on Liberty Street and market Street.</p>	
<p>Will This Project Effect the City's Operating Costs This project should reduce maintenance and operating costs.</p>	
<p>What Alternatives Exist and What Are The Implications of The Alternatives We could postpone the project, which will result in damaging the new resurfacing on Market Street when the work is completed in the future.</p>	
Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Explain The Circumstances	
Are You Requesting Suspension Of The Rules <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>If Yes, Note Reasons The Market/Larwill resurfacing project will be advertised for bid at the same time as this project. We are trying to get both projects done before the weather prohibits paving. The waterline and sanitary sewer work will be completed before the paving operation by limiting the construction time.</p>	
Division Manager Roger Kobilarcsik	Date August 28, 2013

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

Division FIRE Project Name Monitor/Defibrillator Purchase Requested Meeting Date August 18th, 2013

- Approved for Agenda
 Full Amount is Budgeted

If not, how is purchase to be funded?

Description of Purchase

The Fire Division is requesting to purchase three (3) LIFEPAK 15 Monitor/Defibrillators at a total cost of \$78,999.70. This projected is totally funded in conjunction with the award to the division of a 2012 FEMA grant that was accepted by resolution 2013-31. This grant is a 90/10 grant with the city incurring 10% of the funding for the project. The city total cost for the project is \$7,899.97.

The monitors we wish to purchase will replace our current LIFEPAK 12's that are being discontinued by the manufacturer in the near future. This equipment is also part of capital replacement for a 7 year replacement schedule.

These monitors are a vital piece of equipment to the EMS service we provide and are the most used diagnostic tool in our division. With the upgrading of the Wooster Community Hospital in their heart monitoring communication by allowing us to send cardiac rhythm information while in the field allowing us to streamline our treatment for cardiac patients and decrease the damage to the heart. Our current models do not allow this.

The current LIFEPAK 12 units will be traded in to the manufacture for a total of \$15,000 that decreases the gross cost of the units.

Justifications / Benefits

The benefit of this equipment when purchased will allow us to update our equipment with the current updates at Wooster Community Hospital as well as provide other features that will assist us in the recognition of several medical conditions that we have not had the ability to do before.

Replacement and updating of the current Monitor/Defibrillators will allow us to transmit heart monitor information via Wi-Fi to the emergency room which will be sent to local care providers as required as well as decrease the time of definitive care with this real time information. The new units will also allow us to use several other diagnostic tools such as carbon monoxide monitoring as well as breathing rates and effort to quickly diagnose other numerous medical conditions.

We have put monitors on a 7 year replacement cycle that will conclude in 2014. With the acceptance of the grant and the age of the units the purchase at this time is beneficial.

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

We will continue the current maintenance agreements after the purchases.

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

If we keep the current units we have and do not replace the equipment, the current units will not be supported by the company with replacements parts after 2016. We would incur the expense in that year with no guarantee of grants funds being available.

- Sole Source Bid or Non-Bid Situation?

If Yes, explain the circumstances

We will purchase the equipment on the Ohio DAS State Bid Contract.
Index No. STS652
Schedule Number- 800252

- Requesting suspension of the rules?

If Yes, explain reasons.

Division Manager Robert Eyler Date July 18th, 2013

RES # 74

PHYSIO
CONTROL

PRODUCT BROCHURE



LIFEPAK[®] 15 MONITOR/DEFIBRILLATOR

For Emergency Medical Services

RESOLUTION NO. 2013-75

A RESOLUTION AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO PURCHASE RESCUE TOOLS FOR
THE FIRE DIVISION

WHEREAS, the Director of Administration has recommended the purchase of rescue tools for the Fire Division, to wit: two (2) stabilization kits, two (2) stabilization air bag sets, and one (1) rescue tool power unit and related cutter/spreader; and the cost of this purchase is included in the operating budget for 2013; and

WHEREAS, this City Council hereby determines that prompt action is necessary to purchase this equipment for the safety of members of 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 make the following purchase: two (2) stabilization kits, two (2) stabilization air bag sets, and one (1) rescue tool power unit and related cutter/spreader.

SECTION 2. The cost of such purchase will not exceed the amount appropriated for this purpose in Resolution No. 2013-31.

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: _____, 2013
Mayor

Introduced by: Jeffrey A. Steiner

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

Division FIRE Project Name Purchase of Rescue Equipment Requested Meeting Date August 19th, 2013

- Approved for Agenda
 Full Amount is Budgeted

If not, how is purchase to be funded?

Description of Purchase

The Wooster Fire Division is requesting to purchase rescue tools with a total cost of \$36,000. This purchase is in conjunction with the funding of a 2012 FEMA grant that was awarded to the division and accepted by resolution 2013-31. The grant is a 90/10 grant with the city incurring 10% of the cost of the project. The city total cost for this purchase is \$3,600.

The equipment we are requesting to purchase will be new equipment that will allow us to perform rescue related task safer and more efficiently than are current capabilities allow. The purchased equipment includes:

- Two (2) - Stabilization Kits
- Two (2) - Stabilization Air Bag Sets
- One (1) - Rescue tool power unit and related (Cutter/Spreader)

Justifications / Benefits

Rescue operations are a low frequency but high risk calls for service that we respond to. Having the new equipment will allow us to be more efficient and safe by having tools that are used for specific work conditions. The tools are used for the stabilization of equipment and motor vehicles in the case of an accident. This will allow us to work in a safer environment until the patient can be removed from the scene. The other set of tools will allow us extricate patients from motor vehicle crashes safely as well as added safety to our personnel during extrication involving hybrid vehicles and the special dangers they possess.

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

Will not add an additional cost to our operating budget.

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

- Sole Source Bid or Non-Bid Situation?

If Yes, explain the circumstances

Non-Bid situation with total cost under \$50,000

- Requesting suspension of the rules?

If Yes, explain reasons.

Division Manager

Robert Eyler

Date

July 18th, 2013

Res # 75

