

CITY COUNCIL AGENDA
September 16, 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

VI. OLD BUSINESS

1. Third 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)
2. Second 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)
3. Second 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)

VII. NEW BUSINESS

1. First Reading – RESOLUTION NO. 2013-77 A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE WAYNE COUNTY TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AGREEMENTS, ~~AND DECLARING AN EMERGENCY~~ (Ansel)
2. First Reading – RESOLUTION NO. 2013-78 A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), TO ACCEPT AND APPLY SUCH FUNDS, IF AWARDED, AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY (Sanders)
3. First Reading – RESOLUTION NO. 2013-79 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE VEHICLES IN ACCORDANCE WITH THE CAPITAL PLAN FOR 2013 (Steiner)
4. First Reading – RESOLUTION NO. 2013-80 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 ARMSTRONG DRIVE (Sanders)
5. First Reading – RESOLUTION NO. 2013-81 A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A JOINT APPLICATION WITH WAYNE COUNTY TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT

AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), TO ACCEPT AND APPLY SUCH FUNDS, IF AWARDED, AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY (Sanders)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

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

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 8-19-13 2nd reading 9-3-13 3rd reading _____

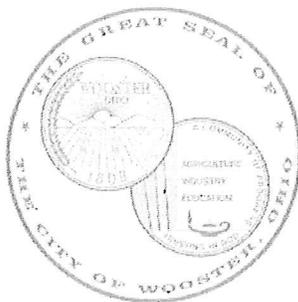
Passed: _____, 2013 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2013
Mayor

Introduced by: Mark Cavin

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).

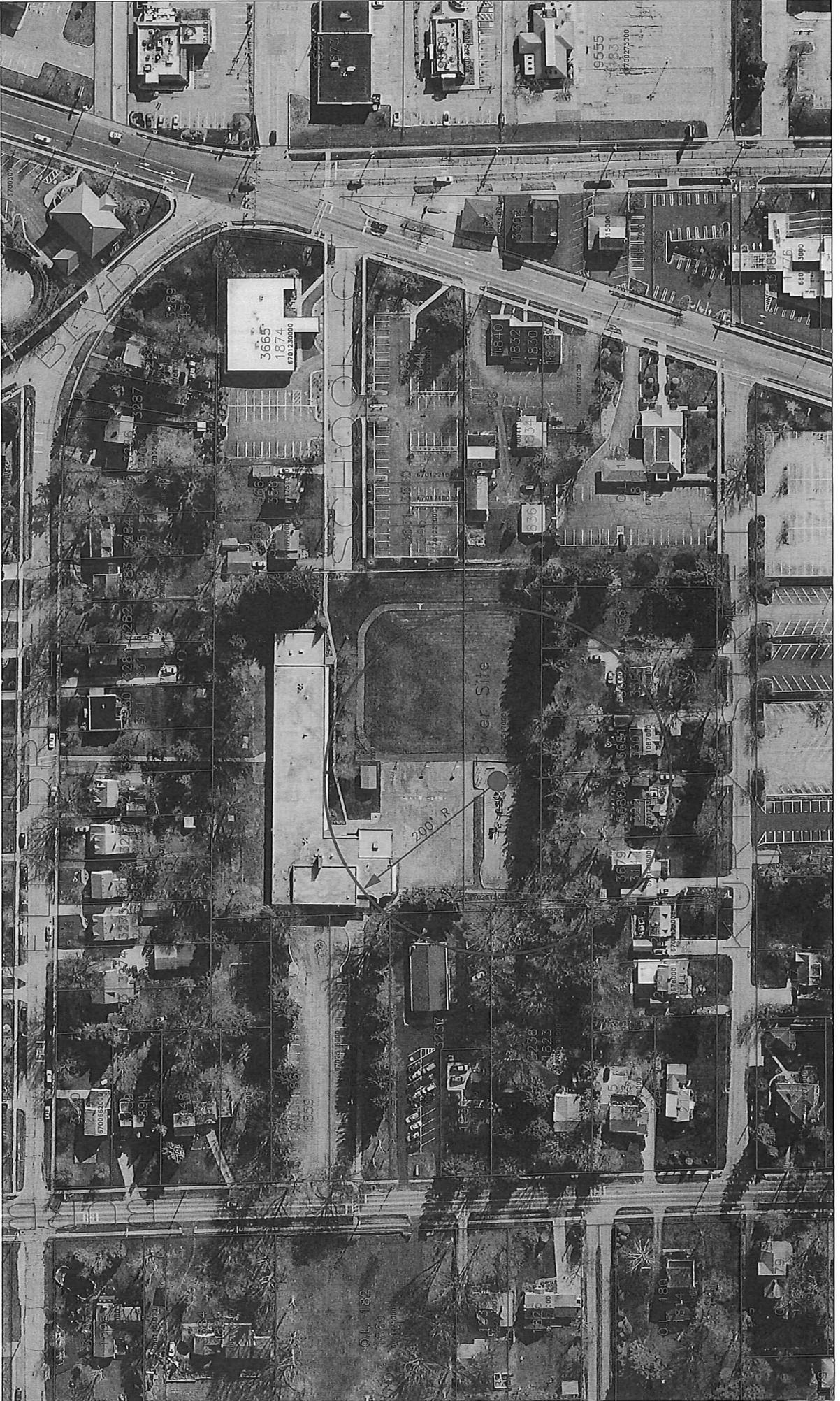
Therefore, these factors have compelled us to investigate potential solutions to our need for a structure that could provide the necessary capabilities for the *City's* communications facilities, as well as potentially retaining the revenue we receive from the cell phone providers. The Layton property 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.

PREPARED BY
CITY OF WOOSTER
DIVISION OF ENGINEERING
200 N. MARKET ST.
WOOSTER, OHIO 44691
PH: (330) 263-2551 FAX: (330) 263-2553



Scale: 1"=100'

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

WHEREAS, the Wooster Design and Review Board, on its own motion, directed the city planner to review and recommend various proposed text amendments to Chapter 155, Design and Review Board, in an effort to update that chapter (which was last updated in 1995); and

WHEREAS, the Design and Review Board considered the proposed amendments at its meeting on August 14, 2013 and recommended the **approval** thereof.

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

SECTION 1. That Chapter 155, Design and Review Board, of the Codified Ordinances of the City of Wooster, is hereby amended to read in accordance with the attached 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 force from and after the earliest date allowed by law.

1st reading 9-3-13 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)

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?

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:

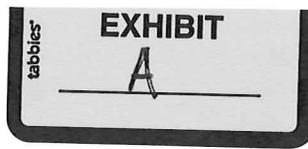
At the August 14, 2013 meeting of the Wooster City Design & Review Board, a motion was made and carried to recommend to City Council approval of changes to Chapter 155, Design & Review Board. A copy of the proposed changes is attached for your review and action.

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. <i>Purpose.</i>	155.057	Designation of Landmarks and Landmark Districts.
155.02	Establishment and organization.	Definitions.	
155.03	Purpose. <i>Establishment and organization.</i>	155.068	Record of Landmarks.
155.04	Financial interest of members.	155.07	Regulation of building or environmental change or rehabilitation.
	<i>Meetings and procedure.</i>	155.08	Additional powers and duties.
155.05	<i>Powers and duties.</i>	155.09	Changes not prohibited.
155.06	<i>Certificate of Appropriateness.</i>	155.10	<i>Appeals of the Design Review Board's decision.</i>
		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~~ *a feature located upon or composing a structure or site element* ~~from a Landmark structure or from any structure which is located within a Landmark District.~~
- (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.

- (e*d*) 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.
- (e*e*) 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.
- (e*f*) 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.
- (e*g*) 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.

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

WHEREAS, the city councils of the cities of Wooster and Ashland have engaged outside counsel to assist in the negotiation and establishment of a regional council of governments (the "COG") for the principal purpose of providing for a public safety dispatching system, and such other purposes as may be capable of being accomplished through the COG; and

WHEREAS, such negotiations have resulted in an agreement that is satisfactory to the mayor, and it is anticipated that the mayor and city council of Ashland will also approve the proposed COG agreement; and

WHEREAS, for the foregoing reasons, and for the further reason that it is necessary to provide our citizens with prompt and efficient dispatching services, this Council believes it to be in the best interests of the City to authorize the mayor to enter into the proposed regional COG agreement.

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

SECTION 1. This Council having found and determined that it is in the best interests of the citizens of the City of Wooster to form and join a regional COG charged with implementing a regional public safety dispatching system for safety services in both communities, the Mayor, on behalf of the City of Wooster, is hereby authorized to enter into the Articles of Agreement establishing the Wooster-Ashland Regional Council of Governments.

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 the prompt establishment of the regional COG will expedite the development and implementation of a regional public safety dispatch system that will greatly enhance the public health and safety of the residents of the City of Wooster; wherefore, this Ordinance 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 9-3-13 2nd reading _____ 3rd reading _____

Passed: _____, 2013 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2013 Mayor _____

Introduced by: Jeffrey A. Steiner



Tomorrow Together

Honoring our past ... Shaping our future
WAYNE COUNTY, OHIO

BOARD OF COUNTY COMMISSIONERS
JIM CARMICHAEL • ANN M. OBRECHT • SCOTT S. WIGGAM

August 21, 2013

Mr. Joel Montgomery
Director of Administration
City of Wooster
538 North Market Street
Wooster, Ohio 44691

Dear Joel:

Ohio Revised Code §5709.85 requires that the Tax Incentive Review Council make written recommendations to the legislative authority for continuation, modification or cancellation of each Enterprise Zone Agreement.

Please find recommendations below from the TIRC regarding the tax exemption in The City of Wooster.

The recommendations were based on the most recent Annual Monitoring Report prepared by Wayne County SWCD staff. The minutes of the Review meeting are attached.

TUESDAY: JUNE 25, 2013
LUK USA, LLC – "CONTINUE"

Please take action at your next City Council meeting and send a copy of your resolution or minutes to my office.

If you have any questions, please do not hesitate to contact me at 330-287-5420.

Sincerely,

Betsy Sparr
Wayne County Enterprise Zone Manager

cc: Darlene Johns (LUK)
Rod Crider (WEDC)

~ MINUTES ~

LUK USA, LLC

Agreement 201-02-02

Execution: 2/19/2002

Expiration: 12/31/2014

ATTENDEES: Darlene Johns (LUK), Bob Reynolds (Wooster City Schools), Jonathan Millea (City of Wooster)
 Rob Crider (WEDC), Ann Obrecht (WC Commissioner), Scott Wiggam (WC Commissioner)
 Jarra Underwood (WC Auditor), Betsy Sparr (WC Enterprise Zone Manager – Alternate for Jim Carmichael),
 Bobby Warren (The Daily Record), Ruth Huxley (WC Auditor’s Office), Flo Bracken (WC Planning)

Betsy Sparr opened the meeting, noting there was a Quorum present. She mentioned that the meeting was being taped.

PROJECT INVESTMENT

1. Lease from Developer through Triple-Net Lease, a new 23,000 sq. ft. Training Facility
2. Total Project Investment: \$60,000,000
 - a. Building Construction \$12,000,000 **Reported: \$12,054,832**
 - b. Machinery and Equipment \$47,375,000 **Reported: \$97,869,072**
3. Abatement: 50% on Real and Personal Property for 10 Years

EMPLOYMENT

Creation of 267 full-time employees within 60 months, of which 50% are Wayne County residents.

Payroll: \$13,300,000 **Reported: 6.36%**
Reported: \$15,305,366

CURRENT STATISTICS

	Commitment	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
F. T. Employees in Ohio	800	800	811	837	849	1021	997	1007	793	712	779	1031	1130
F. T. Employees at Site	675	733	739	767	843	1014	997	1007	793	712	779	1031	1130
New Jobs Created EZ	267	0	6	34	110	281	264	274	60	46	298	298	397
Job Retention is 0													

Taxes	Paid 2012	Forgone 2012	Term Paid	Term Forgone
Real	\$411,784.76	\$55,469,31	\$3,666,729.70	\$396,290.31
Personal	\$ - 0 -	\$ - 0 -	\$1,112,337	\$1,112,338

VERIFICATION ITEMS

- Employment Residency
- Workers’ Comp or State Employment Tax records to verify employment

Staff’s recommendation is for continuance of agreement. Ann Obrecht made the motion to continue and Scott Wiggam seconded the motion. Motion was carried. Meeting adjourned.

RESOLUTION NO. 2013-78

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), TO ACCEPT AND APPLY SUCH FUNDS, IF AWARDED, AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Public Works Commission ("OPWC"), through the State Capital Improvement Program, provides financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the City of Wooster is planning to make capital improvements (water line replacement) to the water lines serving Burbank Road (from Elm Drive to Oldman Road), and Ihrig Avenue (from Burbank Road to Cleveland Road), with the total cost of the projects estimated to be \$1,100,000.00, of which the OPWC would fund approximately \$500,000.00 and

WHEREAS, the infrastructure improvement project hereinabove described is considered to be a priority need for the community and is a qualified project under the OPWC programs

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

SECTION 1. That the Mayor, is hereby authorized to apply to the OPWC for grant monies as described above, and if such funds are awarded, to appropriate and apply the funds as indicated.

SECTION 2. The City, by its Mayor, is further authorized to execute any necessary documents in connection therewith for obtaining this financial assistance.

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 time is of the essence in making a timely application for the funds described above; 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 _____ 2nd reading _____ 3rd reading _____

Passed: _____, 2013 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2013
Mayor

Introduced by: Craig Sanders

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

Division Engineering	Meeting Date Requested September 16, 2013
Project Name Burbank Road Waterline Project - OPWC Participation	Approved for Agenda
Estimated Total Cost \$1,100,000. If approved, the Ohio Public Works Commission would fund \$500,000 of project costs with grant funds.	
Is Full Amount Budgeted <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If No, How Is The Purchase To Be Funded? This project is scheduled for 2014. The City's portion of the project will be budgeted in FY 2014.	
Description Of Purchase This is a request to authorize application for and acceptance of \$500,000 in grant money from the Ohio Public Works Commission for waterline replacement on Burbank Road from Elm to Oldman and on Ihrig from Burbank to Cleveland. This project would install over 6,000 feet of 12" waterline, 15 fire hydrants, and 55 water service connections.	
Justification / Benefits This funding will cover 45% of the project. This project would complete a major loop in the intermediate system.	
Will This Project Effect the City's Operating Costs This project should have little or no affect on the City's operating costs.	
What Alternatives Exist and What Are The Implications of The Alternatives We could postpone the project, which will push other projects further into the future, will cost more as construction costs increase, and have no guarantee of future grant funding. We could proceed with the project using other interest accruing financing methods.	
Is This A Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Explain The Circumstances OPWC is the only agency offering funding for this type of project at this time.	
Are You Requesting Suspension Of The Rules <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, Note Reasons The OPWC funding application has been submitted and final approval depends on this legislation being passed as soon as possible.	
Division Manager Roger Kobilarcsik	Date September 9, 2013

Res # 78

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

Division Police Project Name Purchase of Detective Vehicles Requested Meeting Date October 7, 2013

- Approved for Agenda
 Full Amount is Budgeted

If not, how is purchase to be funded?

Amount is not budget but was referenced in the 2013 City of Wooster Budget on page 3-11. The decision was to made to attempt to purchase these vehicles rather than lease and 2014 vehicle costs with equipment were slightly higher than estimated. Funding will be transferred from an uncompleted engineering capital project .

Description of Purchase

Purchase of three Ford Interceptor Sedans to replace aging detective vehicles. These vehicles are on state bid and request for quotes were sent to two Wayne County Ford dealers with only one replying. These vehicles are similar in size and equipment to those that we are replacing. Vehicle price includes installation of lights, siren, radio and related equipment. Vehicle Cost with equipment \$29,000.00
Total cost for 3 vehicles: \$87,000

Justifications / Benefits

The three vehicles to be replaced are a 2006 Ford Taurus with 75k miles, a 2005 Ford Taurus with 70k miles and a 2006 Ford Taurus with 50k miles. These vehicles are beginning to have maintenance issues such as cracked manifolds, transmission problems and rust. Replacing these vehicles will save money in maintenance and repair costs. Further, these vehicles are a necessary component of police operations.

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

Funds will be transferred from an uncompleted engineering project. This will not require any additional appropriations.

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 since these vehicles are on state bid. We did however solicit quotes from dealers in Wayne County. Only one dealer responded to our request and his price is below that of the state bid.

Requesting suspension of the rules?

If Yes, explain reasons.

Division Manager

Matt Fisher

Date

9-1-13

Res #79

NEW or REPLACEMENT (circle or bracket one) CAPITAL REQUEST FORM

Is this an On-going project? YES NO

use a separate sheet for each request

Division: Police

Project Year : 2013

Approved:

Project Name: Replace of Detective Car:

Date: 9/3/13

Priority (rank all divisions projects in order of importance):

Submitted by: Fisher

Estimated Useful Life of Asset: Eight Years

1. Estimated cost of project: \$87,000 (3 vehicle at \$29,000 each)

Are there other cost involved? What are they?

Engineering and Planning: \$0.00

Construction: \$0.00

Shipping: \$0.00

Other:

2. Description of project: location, what it does, purpose. Is this a building, equipment, infrastructure?

Replace three detective vehicles. One 2005 and two 2006 vehicles

3. Justification:

a. Why is this capital project needed? Current detective vehicles are 8 years old.

Vehicles are beginning to rust and have mechanical failures.

b. How does it meet the Division's and City's mission?

Vehicles are necessary to accomplish Police Division objectives.

c. How will this capital project increase revenue, decrease cost, increase productivity?

(see Question 5 for quantitative justification) Allows officers to do their job.

4. Will this project affect the City's operating costs? YES NO

a. Will this project require additional employees? YES NO

If YES, how many: 0

Projected cost (wage & benefits) \$0.00

b. How will this project affect the cost of supplies and materials?

c. Will additional equipment be required? Give details on equipment and equipment costs.

Cost of equipment (lights, siren, gun rack) are included in cost.

d. Will this project impact utility costs? YES NO If yes, which utility and how much?

e. Will there be additional costs related to purchase of services? (i.e., service contracts)
YES NO If YES, how much? \$0.00

f. Will there be indirect costs related to this project? (please consult with Finance Department regarding this question)

1. General administrative costs:	\$0.00
2. Depreciation costs:	\$0.00
3. Debt service costs:	\$0.00
Total Costs:	\$0.00

5. Will this project affect the City's revenue? YES NO If yes, how?

a. Increase taxes:	\$0.00
b. Increase in fees:	\$0.00
c. Gain from sale of replaced assets:	\$0.00
Total Gain:	\$0.00

IF THIS IS A REPLACEMENT ASSET PROVIDE THE FOLLOWING INFORMATION:

6. Information regarding item to be replaced:

Item: Ford Taurus 2005, 2006, 2006

Make: Ford

Age: 8years and 7 years

Maintenance cost history: _____
Vehicles are beginning to rust. Repairs have included items like cracked manifolds and transn

Rental cost: _____

7. How will the replaced item be disposed?

a. Possible use by other Divisions?	YES	NO
b. Trade-in?	<input checked="" type="checkbox"/> YES	NO
c. Sell?	YES	NO
d. Other?	_____	

RESOLUTION NO. 2013-80

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 ARMSTRONG DRIVE

WHEREAS, it is necessary to replace the water line serving Armstrong Drive, and the cost thereof is included in the capital plan for 2013; and

WHEREAS, this City Council deems that prompt action is necessary to complete the project to improve the safe and efficient distribution of water within the area.

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 advertise according to law and enter into a contract with the lowest and best bidder for the replacement of the water line serving Armstrong Drive, in accordance with specifications now on file in his office.

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

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 it shall take effect and be in force from and after the earliest period allowed by law.

1st reading _____ 2nd reading _____ 3rd reading _____

Passed: _____, 2013 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2013
Mayor

Introduced by: Craig Sanders

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

Division Engineering	Meeting Date Requested September 16, 2013
Project Name Armstrong Drive W/L	Approved for Agenda
Estimated Total Cost \$ 240,000 (Water Fund)	
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 authorize advertisement and award of a contract to the lowest and best bidder for the replacement of the W/L on Armstrong Drive. This project involves the replacement of an existing 6" W/L with a history of breaks with a new 8" Ductile Iron W/L before resurfacing Portage Road in 2014.	
Justification / Benefits This project will replace an aging waterline with a history of breaks and bad water complaints in preparation for the pavement work on Portage Road.	
Will This Project Effect the City's Operating Costs This project should reduce maintenance and operating costs.	
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 Portage Road when the paving work is completed in 2014.	
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 Portage Road resurfacing project (80% ODOT Funded) is scheduled to be advertised for bid toward the end of 2013 with paving early in 2014. The waterline project will need to be completed before the paving operation.	
Division Manager Roger Kobilarcsik	Date September 11, 2013

Res #10

RESOLUTION NO. 2013-81

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A JOINT APPLICATION WITH WAYNE COUNTY TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), TO ACCEPT AND APPLY SUCH FUNDS, IF AWARDED, AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Public Works Commission ("OPWC"), through the State Capital Improvement Program, provides financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the City of Wooster, in cooperation with Wayne County, is planning to resurface Oak Hill Road (from Oldman to Milltown Roads, and from Oak Hill Road to the corporation limit), with the total cost of the project estimated to be \$200,000.00, of which the OPWC would fund approximately \$80,000.00; and

WHEREAS, the infrastructure improvement project hereinabove described is considered to be a priority need for the community and is a qualified project under the OPWC programs

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

SECTION 1. That the Mayor, in cooperation with Wayne County, is hereby authorized to apply to the OPWC for grant monies as described above, and if such funds are awarded, to appropriate and apply the funds as indicated.

SECTION 2. The City, by its Mayor, is further authorized to execute any necessary documents in connection therewith for obtaining this financial assistance.

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 time is of the essence in making a timely application for the funds described above; 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 _____ 2nd reading _____ 3rd reading _____

Passed: _____, 2013 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2013
Mayor

Introduced by: Craig Sanders

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

Division Engineering	Meeting Date Requested September 16, 2013
Project Name Oak Hill/Milltown Road Resurfacing Project - OPWC Participation	Approved for Agenda
Estimated Total Cost \$200,000. This will be a joint venture with the Wayne County Engineer. The City's share will be \$50,400, Counties share \$69,600 and if approved, the Ohio Public Works Commission would fund \$80,000 of project costs with grant funds.	
Is Full Amount Budgeted <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If No, How Is The Purchase To Be Funded? This project is scheduled for 2014. The City's portion of the project will be budgeted in FY 2014.	
Description Of Purchase This is a request to authorize application for and acceptance of \$80,000 in grant money from the Ohio Public Works Commission for resurfacing Oak Hill (Oldman to Milltown) and Milltown (Oak Hill to Corporation Limits). This project would remove 2" of existing deteriorated pavement, repair any base failures and place 2.25" of asphalt surface course.	
Justification / Benefits The OPWC funding and County's share will cover 75% of the project. This project would resurfacing a major arterial within the City and County.	
Will This Project Effect the City's Operating Costs This project should have little or no affect on the City's operating costs.	
What Alternatives Exist and What Are The Implications of The Alternatives We could postpone the project which will cost more as construction costs increase, and have no guarantee of future grant funding or Wayne County participation. We could proceed with the project using monies from the general fund.	
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 checked="" type="checkbox"/> No	
If Yes, Note Reasons The OPWC funding application has been submitted and final approval depends on this legislation being passed as soon as possible.	
Division Manager Roger Kobilarcsik	Date September 11, 2013

Res #81