

CITY COUNCIL AGENDA

November 21, 2011

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. Second Reading - RESOLUTION NO. 2011-85 AUTHORIZING AGREEMENTS WITH VARIOUS APPLICANTS FOR THE USE OF ECONOMIC DEVELOPMENT MONIES (Ansel)
2. Second Reading - RESOLUTION NO. 2011-89 AMENDING RESOLUTION NO. 2010-17 BY INCREASING THE AMOUNT OF THE CONTRACT (Silvestri)

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2011-33 APPROPRIATING FROM VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF WOOSTER FOR THE FISCAL YEAR ENDING DECEMBER 31, 2012, AND DECLARING AN EMERGENCY (Ansel)
2. First Reading - ORDINANCE NO. 2011-34 AMENDING THE TRAFFIC CONTROL FILE TO ENACT THE RECOMMENDATIONS OF THE TRAFFIC COMMISSION, AND DECLARING AN EMERGENCY (Ulbright)
3. First Reading - ORDINANCE NO. 2011-35 AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Ansel)
4. First Reading - ORDINANCE NO. 2011-36 ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Ansel)
5. First Reading - RESOLUTION NO. 2011-93 AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH REA & ASSOCIATES, INC. FOR AUDITING SERVICES, AND DECLARING AN EMERGENCY (Ansel)
6. First Reading - RESOLUTION NO. 2011-94 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO CONTRACTS FOR RIGHT OF WAY ACQUISITION SERVICES RELATED TO THE FRIENDSVILLE ROAD IMPROVEMENT PROJECT (Ulbright)
7. First Reading - RESOLUTION NO. 2011-95 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO CONTRACTS FOR SEASONAL TEMPORARY SERVICES FOR LEAF COLLECTION (Ansel)
8. First Reading - RESOLUTION NO. 2011-96 ACCEPTING THE RECOMMENDATIONS OF THE WOOSTER TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AND COMMUNITY REINVESTMENT ACT AGREEMENTS (Ansel)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

RESOLUTION NO. 2011-85

A RESOLUTION AUTHORIZING AGREEMENTS WITH VARIOUS APPLICANTS FOR THE USE OF ECONOMIC DEVELOPMENT MONIES

WHEREAS, economic development serves important community interests by providing commercial and industrial development, thus improving the municipal tax base; and

WHEREAS, in an effort to improve the tax base, this City Council dedicated a portion of the proceeds from the transient occupancy tax toward entities which would utilize the monies for economic development purposes; and

WHEREAS, after reviewing applications from interested parties, the Council hereby recommends that awards be made to three applicants, subject to the execution of agreements on the use of funds.

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

SECTION 1. That after deduction of the administrative charges provided in W.C.O. §1705.02(a)(1), the economic development funds are hereby appropriated and awarded for 2012 to the following entities, and in the following increments:

- (a) Of the first \$50,000
 - Main Street Wooster 57.5%
 - Wooster Area Chamber of Commerce 37.5%
 - Wayne County Convention and Visitors Bureau 5.0%

- (b) Of all funds over \$50,000
 - Main Street Wooster 50%
 - Wooster Area Chamber of Commerce 30%
 - Wayne County Convention and Visitors Bureau 20%

SECTION 2. Subject to the execution by each entity of an agreement on the use of funds, and also to the availability of funds, the Director of Finance is hereby authorized to issue payment to each entity in the designated amount.

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 full force from and after the earliest date allowed by law.

1st reading 11-7-11 2nd reading _____ 3rd reading _____

Passed: _____, 2011 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2011
Mayor

Introduced by: Jon Ansel

**REQUEST FOR AGENDA ITEM
AUTHORIZATION FOR BID OR PURCHASE OF CAPITAL ITEM**

Division: **WPCP/WTP**

Meeting Date Requested: **11/7/11**

Project Name: **Sludge Hauling & Disposal Contract Extension**

Approved for Agenda:

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1. Estimated Total Cost: **\$350,000 additional. Contract originally \$790,000 giving a total of \$1,140,000. Original budget was for \$2 million.**

2. Is the full amount budgeted? **YES** NO if no, how is the purchase to be funded?

WPCP/WTP funds (50%/50%).

3. Description of Purchase: **To authorize the extension of an existing contract with Agri-Sludge, Inc. Due to the documented problems at WPCP and increased diesel fuel costs early in the contract Agri-Sludge has conducted additional sludge hauling and hauling that will exceed the original contract before it expires. This extension would provide for coverage through 6/30/12.**

4. Justification\Benefits:

This is a required process of current treatment plant, and is being done in direct response to the previously discussed issues at the WPCP. This provides a measure of safety to the operation and allows the plant operators to be in full compliance with the permit. To date (10/31/11) \$673,600 has been spent and bills for hauling months (time period where crops are off of fields) average \$50,000-60,000/month.

5. Will this project affect the city's operating costs? **Yes. This is expected to only last until hauling is rebid and/or the quasar project is implemented.**

6. What alternatives exist and what are the implications of the alternatives. **None. Failure to haul sludge will result in compliance issues.**

7. Is this a sole source request? **YES** NO If yes, explain the circumstances:
This is to extend funding for a previous bid contract and authorized change order.

Sole source will only be considered when: the purchase consists of supplies or parts for current equipment and only one source exists; or only a single sole source exists for the purchase; or the contract is for professional services or specialized technology and the Director of Administration has reviewed proposals from qualified vendors.

8. Are you requesting suspension of the rules and passage on one reading? If yes, note reasons. **Yes. This will ensure no gap in the hauling contract.**

James L Borton
Utilities Manager

Date: **10/31/11**

ORDINANCE NO. 2011-33

AN ORDINANCE APPROPRIATING FROM VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF WOOSTER FOR THE FISCAL YEAR ENDING DECEMBER 31, 2012, AND DECLARING AN EMERGENCY

WHEREAS, the Charter of the City of Wooster provides, at §6.04, that no later than the second regular meeting of November the Mayor will prepare and present to the City Council for adoption an annual Appropriation Ordinance providing for the expenses of the municipal government for the coming fiscal year.

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

SECTION 1. That to provide for the current expenses and other expenditures of the City of Wooster for the Fiscal Year ending December 31, 2012, the following appropriations (detailed copy attached hereto) are hereby authorized.

SECTION 2. The budget approved by Council and the appropriation of funds to implement the budget represent the estimated expenditures needed to administer programs approved for the coming fiscal year. The budget is a work plan of the estimate of future needs for a given program as determined by Council when the budget is adopted.

In adopting the budget, Council recognizes that conditions may change during the fiscal year that may call for staff reductions or increases depending upon the facts in each instance.

In recognition of this fluid, constantly changing condition, the Mayor shall review requests for additional positions and for filling vacant positions within the limitations of the budget. After making a study of each request, he shall have the authority to approve, disallow or postpone such requests for additional personnel. In addition, he shall be responsible for resolving questions related to the staffing pattern of each department and division as determined by Council action on the annual budget.

Personnel requests in excess of the annual budget shall be studied and recommendations developed for the consideration of Council.

The Mayor shall be responsible for ascertaining that personnel requirements do not exceed those included or implied in the budget and/or Appropriation Ordinances.

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 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 in order to commence and complete the various projects at the earliest possible time for the convenience and enjoyment of the general public; 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 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: _____, 2011 Vote: _____

Attest: _____

Clerk of Council

President of Council

Approved: _____, 2011 _____

Mayor

Introduced by: Jon Ansel

ORDINANCE NO. 2011-34

AN ORDINANCE AMENDING THE TRAFFIC CONTROL FILE TO ENACT THE RECOMMENDATIONS OF THE TRAFFIC COMMISSION, AND DECLARING AN EMERGENCY

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

SECTION 1. That the Traffic Control Map and the Traffic Control File of this City be and hereby are amended in accordance with the recommendations of the Traffic Commission, as follows:

1. Larwill Street: move the “No Parking Here to Corner” sign to 78 feet east of the alley and No Parking sign before alley (8 a.m. to 5 p.m.) from former location. Also, have pavement markings for two parking spaces.
2. Intersection of Taylor and Winkler Streets: remove the “Yield” sign and add a “Stop” sign at the intersection of Taylor and Winkler Streets.
3. Intersection of Blair and Cleveland: remove the school related signs from the “No Left Turn” sign on Blair Boulevard, at the intersection with Cleveland Road.
4. Woodcrest Drive: place a “No Outlet” sign on southwest corner of Woodcrest Drive, (south of Sycamore) approximately 40 feet from intersection.
5. Mechanicsburg and Oak Hill Roads: place “Bicycle Crossing” signs at Mechanicsburg and Oakhill after a review by the city engineer of placement location.
6. High Street: place a “No Parking Here to Corner” sign on the northwest corner of High Street, 40 feet west of Spink Street.
7. E. Highland Avenue: place two “Reduced Speed Curve Warning” signs, one on the south side of E. Highland, across from Wimpole Street, and one on the east side of E. Highland, just across and north of 1151 Highland.

SECTION 2. That the Engineering Division is hereby directed to make the above changes in the Traffic Control Map and the Traffic Control File, and to obtain and erect the appropriate signs to reflect the above designations.

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.

ORDINANCE NO. 2011-35

AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE

WHEREAS, the Council of the City of Wooster adopted an Annual Appropriation Ordinance No. 2010-37 for Fiscal Year 2011, and from time-to-time it becomes necessary to amend that Ordinance and;

WHEREAS, the city provides street-lighting for the safety of pedestrian and vehicular traffic, and because AEP neglected to bill for services in a timely manner it is necessary to appropriate additional funds for this service for 2011.

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

SECTION 1. That the sum of \$140,000.00 is hereby appropriated to the street-lighting cost center from the unappropriated balance of the General Fund for this service.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees, in compliance with law.

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

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

Passed: _____, 2011 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2011
Mayor

Introduced by: Jon Ansel

**Request for Agenda Item
Non-Capital**

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

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

The estimated amounts to be paid to the taxi companies for services provided in November and December (November services are paid the first week in December and December services are paid the first week in January) will exceed the budgeted amount for 2011. I have listed the breakdown below:

Miller Cab

Balance on P.O. A24715 \$955.00
Estimated payment for November \$14,500
Estimated payment for December \$14,500
Negative balance of \$28,045.00

Wooster Express

Balance on P.O. A23326 \$4,875.00
Estimated payment for November \$1,650.00
Estimated payment for December \$1,650.00
Balance of \$1,575

5-Star Transportation

Balance on P.O. A23294 \$11,030.00
Estimated payment for November \$4,335.00
Estimated payment for December \$4,335.00
Balance of \$2,360.00

We will be over budget approximately \$24,000 to \$28,000. I am requesting an additional \$28,000 for 2011 transportation costs.

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

Yes, we will receive invoices from the taxi companies on December 1. This is prior to the next scheduled Council meeting.

Manager Requesting

Date

Approved for Agenda

Ord # 36

**Request for Agenda Item
Non-Capital**

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

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

The auditor of state has granted the City permission to have REA & Associates perform the City's audit for fiscal year ending 12/31/2011. As such, I need permission from Wooster City Council to enter into an audit agreement.

The cost of the audit is \$83,475. An increase of \$795 (or 0.96%) over the cost of the audit for fiscal year ended 12/31/2010.

The cost of this audit is included in the 2012 appropriations budget in the Wooster Community Hospital and City operating budgets.

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

Manager Requesting

Date

Approved for Agenda

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

Division Engineering	Meeting Date Requested November 21, 2011
Project Name Friendsville Road Improvements	Approved for Agenda
Estimated Total Cost \$30,000	
Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded? Capital Improvements fund and Permissive Tax funds	
<p>Description Of Purchase This is a request to enter into contracts for engineering services related to the Friendsville Road Reconstruction Project. These contracts will be for Right-of-Way Acquisition Services. Two contracts are needed to comply with ODOT RW acquisition regulations; one contract for acquisition services, and one contract for appraisal review services. The specific contracts would be with OR Colan for RW Acquisition services, and Bowman Appraisal Services for the appraisal review services.</p> <p>Both firms are pre-qualified by O.D.O.T. to perform R/W services.</p>	
<p>Justification / Benefits This project is scheduled to begin construction by early 2012 and it will take at least 6 months to complete negotiations. We have a previously approved ODOT schedule to meet for construction, and need to begin R/W acquisition ASAP. The City Engineering Division will be involved in negotiations as well, and most likely will use only a portion of the funds requested. The services will only be billed based on the services provided.</p> <p>80% of the construction costs for this project are being funded by ODOT (\$ 1,600,000)</p>	
Will This Project Effect the City's Operating Costs This will be a one time capital expense and will not affect the City's operating costs.	
What Alternatives Exist and What Are The Implications of The Alternatives These negotiations and appraisals can not be performed in-house by Engineering Division Staff, due to ODOT regulations and the required certifications.	
Is This A Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Explain The Circumstances This is an Engineering services request and both contracts will be below \$25,000.	
Are You Requesting Suspension Of The Rules <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, Note Reasons	
Division Manager Joel Montgomery	Date November 16, 2011

Res #94

**Request for Agenda Item
Non-Capital**

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

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

In accordance with the codified ord. of the City of Wooster and the laws of the state of Ohio, the staffing services were bid. Two bids were received for temporary staffing services. For staffing partners, we have reached the \$25000 threshold and thus must enter into a contract to allow for the additional temporary staffing needs for leaf collection. Neither agency was able to provide us with the 15 additional personnel for the project and thus we have used both agencies to fill our staffing needs.

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

Yes, it is a budgeted item and staffing partners will need to be paid weekly for services rendered.

Manager Requesting

Date

Approved for Agenda

**Request for Agenda Item
Non-Capital**

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

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

Upon competitively bidding staffing services, two agencies submitted proposals. MANCAN was one respondent. We are seeking to enter into a contract not to exceed \$25000 for leaf collection temporary staffing to complement the \$25000 already approved for Staffing Partners.

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

Yes, we need to pay for the leaf collection services currently being rendered.

Manager Requesting

Date

Approved for Agenda

