

# WOOSTER CITY COUNCIL AGENDA

December 15, 2014

7:30 p.m.

The meeting will be held at City Hall, in Council Chambers, 1<sup>st</sup> Floor, 538 N. Market Street, Wooster, Ohio.

**I. ROLL CALL & ORDERING OF AGENDA**  
**II. 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. 2014-33 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, 2015, AND DECLARING AN EMERGENCY (Ansel)

**VII. NEW BUSINESS**

1. First Reading – ORDINANCE NO. 2014-38 AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Ansel)
2. First Reading – ORDINANCE NO. 2014-39 AN ORDINANCE AMENDING THE TRAFFIC CONTROL FILE TO ENACT THE RECOMMENDATIONS OF THE TRAFFIC COMMISSION, AND DECLARING AN EMERGENCY (Ulbright)
3. First Reading – RESOLUTION NO. 2014-72 A RESOLUTION AUTHORIZING THE DIRECTOR OF LAW TO CONTINUE THE ENGAGEMENT OF OUTSIDE COUNSEL FOR REPRESENTATION WITH RESPECT TO ONGOING UNION AND COLLECTIVE BARGAINING ISSUES, AND DECLARING AN EMERGENCY (Ansel)
4. First Reading – RESOLUTION NO. 2014-73 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE REPLACEMENT OF THE MELROSE DRIVE INTERCEPTOR TO SERVE THE DAISY BRAND SITE (Sanders)
5. First Reading – RESOLUTION NO. 2014-74 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 NORMAN PLACE (Sanders)
6. First Reading – RESOLUTION NO. 2014-75 A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR SERVICES RENDERED UNDER CONTRACTS WITH VARIOUS VENDORS, AND DECLARING AN EMERGENCY. (Ansel)
7. First Reading – RESOLUTION NO. 2014-76 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH BAY POINTE TECHNOLOGY OF RICHFIELD, OHIO FOR SERVICES RELATED TO THE CITY'S SERVERS AND DATA STORAGE (Ansel)

- VIII. EXECUTIVE SESSION** (discussion of pending or threatened litigation)
- IX. MISCELLANEOUS**
- X. ADJOURNMENT**

ORDINANCE NO. 2014-33

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, 2015, 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, 2015, 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.





**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 2004, the City entered into an annexation agreement with Wayne Township relating to the annexation of approximately 227 acres of land where The Village Network and the former TGS buildings/land are located. As part of this agreement we have to pay the township for property taxes that would have been paid to them had the annexation not occurred. This represents a catchup payment for 2006-2013. In the future payment will be made annually and be incorporated in the annual appropriations budget.

We also had to refund a couple estates for overpayment of estate tax estimates received in prior years. In the past, the County Auditor would just withhold these refunds from estate tax settlements paid to us, but since there is no longer an estate tax this method is not applicable. This is unusual and should not occur often.

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

It would be very helpful if this was passed prior to year-end.

**Manager Requesting**

**Date**

**Approved for Agenda**

*Ord # 38*

ORDINANCE NO. 2014-39

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:

Westridge Dr.: A yield sign is to be erected on Westridge Dr. at Beechwood Ave.

W. Highland Ave.: The "hidden drive" sign previously located in the 600 block of W. Highland Ave. shall not be replaced.

South Buckeye Parking Lot: The "Permit Only" parking signs between existing spaces 37 and 38 and 39 and 40 will be removed. Additionally, the "Accessible Parking" sign centered on existing spaces 40 and 45 will be removed. A "Van Accessible" sign will be centered on space 37, and a standard "Accessible Sign" will be centered on space 39. A "Permit Only" sign with a left directional arrow will be erected at the northwest corner of space 45.

Melrose Dr.: A 35 MPH speed limit sign will be erected on the east side of Melrose Dr. 100 feet north of Milltown Rd. An additional 35 MPH sign will be erected on the east side of Milltown Rd. directly across from Firethorn Lane.

Avalon Rd.: Two "No Parking Anytime" signs will be erected on the east side of Avalon Dr. (one facing north and one facing south) designating a no parking area between the first private driveway on the west side of the street to the corner at E. Wayne Ave. Additionally, a "No parking Here to Corner" sign will be erected on the west side of Avalon Rd. just south of the first private driveway on the west side of the street.

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.

SECTION 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

1<sup>st</sup> reading \_\_\_\_\_ 2<sup>nd</sup> reading \_\_\_\_\_ 3<sup>rd</sup> reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2014 Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2014 \_\_\_\_\_  
Mayor

Introduced by: Jon Ulbright

RESOLUTION NO. 2014-72

A RESOLUTION AUTHORIZING THE DIRECTOR OF LAW TO CONTINUE THE ENGAGEMENT OF OUTSIDE COUNSEL FOR REPRESENTATION WITH RESPECT TO ONGOING UNION AND COLLECTIVE BARGAINING ISSUES, AND DECLARING AN EMERGENCY

WHEREAS, in 2013 the law director, on behalf of the city administration, recommended engaging outside counsel to represent the city in collective bargaining with the city's three labor unions; and

WHEREAS, the law firm of Kastner, Westman & Wilkins, LLC has been working with the city administration, but the amount of fees billed for its services has reached the threshold at which the approval of Wooster City Council is required to continue the engagement.

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

SECTION 1. That the Director of Law is hereby authorized to continue the engagement of Kastner, Westman & Wilkins, LLC of Akron, Ohio for legal services related to the resolution of pending matters, including, but not limited to:

- Negotiations with employee labor unions; and
- Appeals of certain workers compensation and/or unemployment issues.

SECTION 2. In accordance with the engagement, the sum of \$35,000 is hereby appropriated in the General Fund. In connection therewith, the finance director is hereby authorized to issue payment to Kastner, Westman & Wilkins, LLC for outstanding invoices as of the date of adoption hereof.

SECTION 3. This Council finds and declares that all formal actions concerning and relating to the adoption of this Resolution occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 4. This Resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary to assist the municipal government in the resolution of pending issues pertaining to collective bargaining and other employment-related matters; 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 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: \_\_\_\_\_, 2014 Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2014  
Mayor

Introduced by: Jon Ansel



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

<b>Division</b> Engineering	<b>Meeting Date Requested</b> December 15, 2014
<b>Project Name</b> Melrose Drive Interceptor Sanitary Sewer Replacement	<b>Approved for Agenda</b>
<b>Estimated Total Cost</b> \$ 500,000 Sanitary Sewer Fund	
<b>Is Full Amount Budgeted</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If No, How Is The Purchase To Be Funded?</b> The funds for this project will be included in the 2015 Appropriation Budget.	
<b>Description Of Purchase</b> This is a request to authorize advertisement and award of a contract to the lowest and best bidder for the replacement of the sanitary sewer interceptor to serve the new Daisy Brand facility. This project involves the construction of approximately 3,300 linear feet of 12" PVC sanitary sewer main and 16 sanitary manholes.	
<b>Justification / Benefits</b> This project will increase the capacity of the sanitary sewer servicing the northeastern section of Wooster as well as the Daisy Brand facility.	
<b>Will This Project Effect the City's Operating Costs</b> This project should have no effect on the City's operating costs.	
<b>What Alternatives Exist and What Are The Implications of The Alternatives</b> There are no alternatives, this project will provide sanitary sewer service to Daisy Brand.	
<b>Is This A Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>If Yes, Explain The Circumstances</b>	
<b>Are You Requesting Suspension Of The Rules</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>If Yes, Note Reasons</b> While suspension of the rules is not necessary, earlier passage would allow the opportunity to advertise and bid this project as early as possible in order to obtain the best possible bids.	
<b>Division Manager</b> Roger Kobilarcsik	<b>Date</b> December 5, 2014

*Res #73*



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

<b>Division</b> Engineering	<b>Meeting Date Requested</b> December 15, 2014
<b>Project Name</b> Norman Place W/L	<b>Approved for Agenda</b>
<b>Estimated Total Cost</b> \$ 60,000 (Water Fund)	
<b>Is Full Amount Budgeted</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If No, How Is The Purchase To Be Funded?</b> The funds for this project will be included in the 2015 Appropriation Budget.	
<b>Description Of Purchase</b> 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 Norman Place north of Wayne Avenue. This project involves the replacement of approximately 380 linear feet of 2" cast iron W/L with a history of breaks. The project includes replacing 6 water services and 2 fire hydrant.	
<b>Justification / Benefits</b> This project will replace an aging waterline with a history of breaks.	
<b>Will This Project Effect the City's Operating Costs</b> This project should reduce maintenance and operating costs.	
<b>What Alternatives Exist and What Are The Implications of The Alternatives</b> We could postpone the project, which could result in possible emergency repairs.	
<b>Is This A Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>If Yes, Explain The Circumstances</b>	
<b>Are You Requesting Suspension Of The Rules</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If Yes, Note Reasons</b> While suspension of the rules is not necessary, earlier passage would allow the opportunity to advertise and bid this project as early as possible in order to obtain the best possible bids.	
<b>Division Manager</b> Roger Kobilarcsik	<b>Date</b> December 5, 2014

Res #74



**CITY OF WOOSTER**  
 BILL TO: Accounts Payable  
 538 N Market Street  
 PO Box 1128  
 Wooster, OH 44691  
 Phone: (330) 263-5200  
 FAX: (330) 263-5262

**PURCHASE ORDER TO:**  
 Vendor No.: 341814535  
 BUCHWALTER GREENHOUSE INC  
 6554 BACK ORVILLE RD  
 WOOSTER, OH 44691

**PURCHASE ORDER NO.:**  
 A33586 Page 1 of 1  
**DATE:** 11/07/14  
 P.O. number must be shown on invoice,  
 packing list, statements and correspondence.

**SHIP TO:**  
 MAINTENANCE DIVISION  
 1151 MECHANICSBURG RD  
 WOOSTER, OH 44691

**Vendor Phone:**  
**Vendor FAX:**  
**City is Sales TAX EXEMPT**  
**TERMS:**

**INVOICE NUMBER:** 14742  
**INVOICE DATE:** 11-1  
**PAYMENT DUE DATE:** 12-12  
**TOTAL AMOUNT DUE:** 8850.01

Item No.	DESCRIPTION	Quantity	Price	Extension
0001	DOWNTOWN BED PLANTINGS	12,260.39	1.00	12,260.39
JC 12-5-14 14742	251301-2370			
			8850.01	3410.38

**ORDERING DEPT:** Saralyn Lash

The following conditions and guarantees are a material part of the contract and acceptance of this order will be an acceptance of the conditions and guarantees. You must comply with all applicable federal, state, or local laws and regulations such as equal opportunity employment, prevailing wage, etc. F.O.B. delivered address unless otherwise specified. If unable to ship material when and as promised, please advise when shipment can be made. The right is reserved to cancel all or any part if not shipped as specified. Substitutions or alterations of this order not allowed. Faxed invoices will be accepted but invoices in lead pencil or carbon will not. Seller guarantees that the goods furnished on this order are first class as to material and workmanship and suitable for the purpose for which they are bought.

**TOTAL APPROVED AMOUNT \$** 12,260.39

**Services/Goods Received:**

**Date:**

**Validation:** Andre A. Dordiea, Saralyn Lash, Darrell Moser, Stacey L. Thomas

**Finance Officer**

This validation certifies availability of funds. Purchase order is invalid without Finance Officer's Signature



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

Division  Project Name  Requested Meeting Date

- Approved for Agenda
- Full Amount is Budgeted

If not, how is purchase to be funded?

Description of Purchase

This is a request to authorize the the purchase of data storage for production servers and backups as well as a firewall and VPN concentrator .

Justifications / Benefits

The City's has had this budgeted for at least a couple of years, but because of employee turnover, it was never completed. Now the City's current storage both primary and backup is running dangerously low. Also the City received notice from the manufacture that the current hardware has reached end-of-life and will reach end-of-support on March 31, 2015. To make sure we can comfortably migrated the information with in that time line, the equipment needs to be ordered soon, to allow for installation, configuration, and testing before putting into production. Also the City is receiving significant end-of-year discounts from the manufactures that for tax purposes want to move the product before the end of the year.

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

This project should have no effect on the City's operating costs.

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

There is no real alternatives, this equipment is need to maintain the current network architecture and secure the systems from outside attack.

Sole Source Bid or Non-Bid Situation?

If Yes, explain the circumstances

Got several quotes from multiple manufactures.

Requesting suspension of the rules?

If Yes, explain reasons.

This is budgeted for in the 2014 budget. There is a critical time line that needs to be maintained because to the end-of-life notice on the current equipment. The City is receiving a substantial discount to purchase before the end of the year.

Division Manager  Date