

CITY COUNCIL AGENDA

May 15, 2017

7:30p.m.

The meeting convenes 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

Liquor Control Hearing Notice
Vault Event Center LLC

V. COMMITTEE REPORTS; PUBLIC HEARINGS

VI. OLD BUSINESS

None

VII. NEW BUSINESS

1. First Reading – ORDINANCE NO. 2017-20
AN ORDINANCE AMENDING CHAPTER 137, SHADE TREE COMMISSION; CHAPTER 905, TREES, TREE LAWNS AND WEEDS; CHAPTER 1165, LANDSCAPING AND LAND USE BUFFERS; AND CHAPTER 1181, VEHICULAR AND PEDESTRIAN CIRCULATION, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO PROVIDE FOR THE RENAMING OF THE SHADE TREE COMMISSION TO THE URBAN FORESTRY COMMISSION (Knapic)
2. First Reading – RESOLUTION NO. 2017-31
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 CONSTRUCTION OF A NEW STORM SEWER SERVING THE SPINK STREET AREA AND REPAIRS TO THE EXISTING SANITARY SEWER SERVING THAT AREA, AND DECLARING AN EMERGENCY (Sanders)
3. First Reading – RESOLUTION NO. 2017-32
A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR OUTSIDE COUNSEL SERVICES RENDERED IN EXCESS OF \$50,000, AND DECLARING AN EMERGENCY (Ansel)
4. First Reading – ORDINANCE NO. 2017-21
AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Ansel)

VIII. MISCELLANEOUS

IX. ADJOURNMENT



WOOSTER CITY COUNCIL MINUTES

May 1, 2017

I. ROLL CALL & ORDERING OF AGENDA

President Mike Buytendyk called the regular meeting of Wooster City Council to order at 7:40 p.m. in council chambers. All members of City Council were present. City Administration present: Mayor Bob Breneman, Director of Administration Joel Montgomery, Police Chief Matt Fisher, PPM Manager Curt Denning and City Engineer Roger Kobilarcsik.

II. APPROVAL OF MINUTES

Councilperson Silvestri moved to approve the minutes of the April 17, 2017, meeting, seconded by Councilperson Ansel. By voice vote, the motion passed unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mayor Breneman thanked JGJ for the opportunity for members of council to tour the safety center.

The Mayor reported on the recent bike trail committee meeting. The committee decided that the first connector point for trails would be the Wooster to Fredericksburg route.

Mayor Breneman also informed council that Rod Crider, Wayne County Economic Development Director, is leaving that position.

The Mayor then introduced Joe Villegas, Wayne County Emergency Management Agency. Joe handed out a fact sheet on Local Hazard Mitigation Planning and spoke on the need for updating the county mitigation plan every five years. He encouraged city officials and council members to attend the kick-off meeting on May 17th at 1:30 p.m. at the Emergency Operations Center.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

Greg Gehris, 347 N. Grant Street, spoke on Resolution 2017-30.

V. COMMITTEE REPORTS; PUBLIC HEARINGS – Councilperson Cavin spoke on the tour of the safety service building and thought the building was astounding. Council is very impressed so far with the building and hopes to have another tour as the project progresses.

VI. OLD BUSINESS – (None)

VII. NEW BUSINESS

1. First Reading – RESOLUTION NO. 2017-26

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE FURNITURE FOR THE NEW SAFETY SERVICE CENTER (Cavin)

Councilperson Cavin introduced the resolution and reminded that this appropriation is fully budgeted and included in the capital plan. Cavin spoke on how impressed he is with the safety center and how fiscally responsible Chief Fisher and Chief Saley are being with this purchase.

Councilperson Myers wanted to know the delivery date. Fisher stated he and the furniture representative have talked and the furniture will not be delivered prior to the completion of the building late July.

Councilperson Silvestri stated that many of the existing furniture such as desks, wall cabinets and files will be moved. He is impressed with the resourcefulness of the chiefs and their teams.

Councilperson Ansel agreed with Silvestri and stated that the chiefs are using a local dealer, Charles Ritter, who services Wayne County.

Councilperson Knapic is impressed with the cost of \$94,000 to fill 34,000 square feet of space.

Councilperson Cavin moved, seconded by Councilperson Knapic, to adopt. Upon roll call, motion to adopt carried by a vote of 5-2. (Ansel-yes; Cavin-yes; Knapic-yes; Myers-no; Sanders - no; Silvestri-yes; and Ulbright-yes;).

2. First Reading – ORDINANCE NO. 2017-19
AN ORDINANCE AUTHORIZING THE ACCEPTANCE AND APPROPRIATION OF FORFEITED FUNDS INTO THE LAW ENFORCEMENT TRUST FUND, AND AUTHORITY FOR THE DIRECTOR OF ADMINISTRATION TO PURCHASE THE EQUIPMENT (Cavin)

Councilperson Cavin introduced the ordinance and explained the need and reasoning behind the request. Chief Fisher explained that the money came from an old gambling case forfeiture and is not taxpayer money. The purchase of new equipment will be made on state contract.

Councilperson Cavin moved to suspend the rules and place on third and final reading, seconded by Councilperson Knapic. Upon roll call, motion carried unanimously (Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; Ulbright-yes and Ansel-yes).

Councilperson Cavin moved, seconded by Councilperson Silvestri, to adopt. Upon roll call, motion to adopt carried 6-1 (Cavin-yes; Knapic-yes; Myers-yes; Sanders-no; Silvestri-yes; Ulbright-yes and Ansel-yes).

3. First Reading – RESOLUTION NO. 2017-27
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH POGGEMYER DESIGN GROUP FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO PHASE II OF THE CITY'S PROPOSED BICYCLE TRAIL SYSTEM (Ulbright)

Councilperson Ulbright reviewed the cost and funding for the project, reminding council that ODOT is funding 90% of the project. Ansel is pleased that the execution of the plan is coming together. Silvestri asked why Engineering is not doing the plans. Kobilarcsik explained that with a project of this sort, the division does not have the time or manpower to develop the plans. No other projects would get done if they focused on the bike trail.

Councilperson Ulbright moved, seconded by Councilperson Ansel, to adopt. Upon roll call, motion to adopt carried unanimously (Knapic-yes; Myers-yes; Sanders-yes; Silvestri – yes; Ulbright-yes; Ansel-yes; and Cavin-yes).

4. First Reading – RESOLUTION NO. 2017-28
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT TO PARTICIPATE IN THE ODOT COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY. (Ulbright)

Councilperson Ulbright spoke on the need to submit an order for road salt to take advantage of the state pricing.

Councilperson Ulbright moved to suspend the rules and place on third and final reading, seconded by Councilperson Knapic. Upon roll call, motion carried unanimously; (Myers-yes; Sanders-yes; Silvestri – yes; Ulbright-yes; Ansel-yes; Cavin-yes and Knapic-yes). Councilperson Ulbright moved, seconded by Councilperson Knapic, to adopt. Upon roll call, motion to adopt carried unanimously ((Myers-yes; Sanders-yes; Silvestri – yes; Ulbright-yes; Ansel-yes; Cavin-yes and Knapic-yes).

5. First Reading – RESOLUTION NO. 2017-29

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR REPLACEMENT OF THE PPM BUILDING ROOF, AND DECLARING AN EMERGENCY (Silvestri)

Councilperson Silvestri introduced the resolution, reminding council this is a budgeted item. Councilperson Silvestri moved, seconded by Councilperson Knapic, to adopt. Upon roll call, motion to adopt carried unanimously (Sanders-yes; Silvestri – yes; Ulbright-yes; Ansel-yes; Cavin-yes; Knapic-yes; and Myers-yes).

6. First Reading – RESOLUTION NO. 2017-30

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE VEHICLES AND/OR EQUIPMENT IN ACCORDANCE WITH THE CAPITAL PLAN FOR 2017; AND DECLARING AN EMERGENCY (Ulbright)

Councilperson Ulbright moved, seconded by Councilperson Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously (Silvestri-yes; Ulbright – yes; Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; and Sanders-yes).

VIII. MISCELLANEOUS

Councilpersons Cavin and Silvestri both thanked the Mayor and Chief for arranging the tour of the safety services building. Councilperson Knapic reminded everyone to vote on Tuesday. Silvestri expressed his appreciation to Justin Reed and Building Standards for their promptness on handling property maintenance issues.

IX. ADJOURNMENT

Councilperson Ulbright moved to adjourn, seconded by Councilperson Knapic. By voice vote, the motion passed unanimously.

Michael G. Buytendyk
President of Council

Lynne DePaulo
Clerk of Council

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

9236162		NEW		VAULT EVENT CENTER LLC DBA VAULT EVENT CENTER 981 GROSJEAN RD WOOSTER OH 44691
PERMIT NUMBER		TYPE		
ISSUE DATE				
04 25 2017				
FILING DATE				
D5				
PERMIT CLASSES				
85	165	B	B52912	
TAX DISTRICT		RECEIPT NO.		

FROM 04/27/2017

PERMIT NUMBER		TYPE		
ISSUE DATE				
FILING DATE				
PERMIT CLASSES				
TAX DISTRICT		RECEIPT NO.		



MAILED 04/27/2017

RESPONSES MUST BE POSTMARKED NO LATER THAN.

05/30/2017

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

B NEW 9236162

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF WOOSTER CITY COUNCIL
538 N MARKET ST
PO BOX 1128
WOOSTER OHIO 44691

9236162 PERMIT NBR
VAULT EVENT CENTER LLC
DBA VAULT EVENT CENTER
981 GROSJEAN RD
WOOSTER OH 44691

JAMIE N HALL
TED E AMSTUTZ

03/30/2017 ACTIVE
03/30/2017 ACTIVE

MAN-MBR
MAN-MBR

PA2-KEY = END SESSION, CLEAR-KEY = END OPTION, ENTER-KEY = TO CONTINUE

ORDINANCE NO. 2017-20

AN ORDINANCE AMENDING CHAPTER 137, SHADE TREE COMMISSION; CHAPTER 905, TREES, TREE LAWNS AND WEEDS; CHAPTER 1165, LANDSCAPING AND LAND USE BUFFERS; AND CHAPTER 1181, VEHICULAR AND PEDESTRIAN CIRCULATION, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO PROVIDE FOR THE RENAMING OF THE SHADE TREE COMMISSION TO THE URBAN FORESTRY COMMISSION

WHEREAS, On December 12, 2016, the Shade Tree Commission voted unanimously to change the name of the Shade Tree Commission to the Urban Forestry Commission.

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

SECTION 1. That the following Chapters all are amended to read as follows:

CHAPTER 137: ~~SHADE TREE COMMISSION~~ URBAN FORESTRY COMMISSION

137.01 MEMBERSHIP.

There is hereby created and established an ~~Shade Tree Commission~~ Urban Forestry Commission for the City. The Commission shall consist of the following members: the Director of Administration or his/her designee, the City Engineer or his/her designee, the City Planner or his/her designee, and at least five, but not more than nine persons, residents of the City, who shall be appointed by the Mayor

137.02 TERMS OF OFFICE.

[Unchanged]

137.03 MEETINGS; COMPENSATION.

(a) The ~~Shade Tree Commission~~ Urban Forestry Commission shall meet on a monthly basis. At the first meeting each January the Commission shall elect a chairperson from among its membership and set a regular monthly meeting time, provided that the chairperson may cancel any meeting when there is no business to be transacted.

(b) Members of the Commission shall serve without compensation.

137.04 POWERS AND DUTIES.

The ~~Shade Tree Commission~~ Urban Forestry Commission shall have power to study, investigate, plan, advise, report and recommend to Council, the Director of Administration or the Mayor any action, program, plan or legislation which the Commission finds or determines to be necessary or advisable for the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in public ways, streets and alleys.

137.05 MANNER OF BUSINESS.

The ~~Shade Tree Commission~~ Urban Forestry Commission shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. All plans, findings, advice, reports and recommendations made by the Commission shall be in writing and designate by name those members of the Commission approving or concurring. Members who do not approve or concur shall have the right, as a part of a report, to state their reasons for refusing to approve or concur.

The Commission, when requested by Council, the Mayor or Director of Administration, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

905.01 PERMIT TO PLANT TREE OR SHRUB.

- (a) No person shall hereafter plant any tree or shrub upon any public way, street or alley unless he first obtains a permit in writing from the Director of Administration or his/her designee specifying the size, type, species and location on the public way, street or alley of the tree or shrub to be planted.
- (b) The Director of Administration or his/her designee shall have authority to deny a permit to any person who proposes to plant any tree or shrub upon a public way, street or alley of a size, type or species found to be undesirable by the ~~Shade Tree Commission~~ **Urban Forestry Commission** or found to be undesirable for the location proposed, or he may deny a permit to any person who proposes to plant any tree or shrub upon a public way, street or alley if at a location found by the Commission to be of a size or type unsuitable for planting of trees or shrubs.

905.02 TREE LAWN REQUIREMENTS.

- (a) "Tree lawn" means, in the case of an improved street, that space between the street curb and the sidewalk; and in the case of an unimproved street, the strip of property between the edge of pavement and the lot line of the abutting property owner.
- (b) A tree lawn on an improved street shall not be surfaced or covered with nonorganic material.
- (c) Unless otherwise permitted by the City Engineer, a tree lawn shall be planted in living grass or other living ground cover.
- (d) A tree lawn may be planted with trees as prescribed by the ~~Shade Tree Commission~~ **Urban Forestry Commission**
- (e) Every owner, occupant or person having charge of any tenement, building, lot or land fronting upon any avenue, street, alley or public highway of the Municipality shall keep the entire width of the tree lawns or public property from the edge of pavement or curb to the lot line free and clear of all earth, sand, brick, stone, rubbish, litter, dead trees and dead branches of trees, or other material which from any cause whatever shall have accumulated or may accumulate upon the tree lawn or public property between the edge of pavement or curb line and the lot line above the established grade of the same, and free of all weeds, grass and other vegetation that are more than four inches in height; and any other materials that may create traffic safety issues within the vehicle clear zone, as that term is defined by the Ohio Department of Transportation Location and Design Manual (a copy of which is on file in the office of the City Engineer).
- (f) Notwithstanding the foregoing subsection (e), a person owning or occupying or having charge of any property fronting upon an unimproved street shall apply to the City Engineer for a permit to create a parking area upon the tree lawn. Construction of any such parking areas must comply with engineering construction standards for driveway approaches; may not interfere with or alter the flow of drainage from the roadway or adjacent properties; and may not interfere with or obstruct sight lines or otherwise create traffic safety issues for vehicular traffic on the traveled portion of the street or adjacent driveways.

905.03 TREE TRIMMING REQUIRED.

- (a) Trees Overhanging the Right-of-Way. The owner or agent of the owner of any lot or parcel of land fronting or abutting on any street or public ground in the City shall trim or cause to be trimmed all trees growing on or in the front or side of such premises, where branches of trees overhang any portion of the street or public ground, or overhang any portion of the sidewalk, so as not to obstruct the passage of light from any street lamp near such trees, and shall trim all branches overhanging any sidewalk or roadway so as to have a clear height of fifteen (15) feet above the surface of the sidewalk or roadway unobstructed by branches, and shall remove from such trees all dead, decaying and broken limbs or branches that overhang the sidewalk or street, or that are liable to fall thereon. When any of the trees are dead, the owner or agent of the owner shall take up or cause to be taken up such dead trees and remove the same from such lot or parcel of land.

(b) Trees within the Right-of-Way. When engaged in commercial activity within the City right-of-way or upon public ground, no person, firm, corporation, public utility or other entity shall, without first obtaining a permit from the City Division of Engineering, cut, remove, destroy, trim or in any other way interfere with any trees, bushes or other natural plantings within the City right-of-way or upon public property. Any such activity undertaken pursuant to the issuance of such permit shall comply with the current edition of the City's Urban Forestry Manual, as approved from time-to-time by the City's ~~Shade Tree Commission~~ **Urban Forestry Commission**

905.04 PLANTING OF CERTAIN TREE OR SHRUB SPECIES PROHIBITED.

[Unchanged]

905.05 WEEDS TO BE MOWED.

[Unchanged]

905.06 REMOVAL OF NOXIOUS WEEDS BY OWNER OR OCCUPANT; FIVE DAYS' NOTICE.

[Unchanged]

905.07 NON-COMPLIANCE; REMOVAL BY MUNICIPALITY.

[Unchanged]

905.08 ASSESSMENT OF COSTS BY MUNICIPALITY.

[Unchanged]

905.09 NUISANCES IN CONNECTION WITH TREES, PLANTS OR SHRUBS.

[Unchanged]

905.10 ABATEMENT BY DIRECTOR OF ADMINISTRATION.

[Unchanged]

905.11 WRITTEN NOTICE AND COST OF ABATEMENT.

[Unchanged]

905.12 SERVICE OF NOTICE.

[Unchanged]

905.13 COST OF ABATEMENT.

[Unchanged]

905.14 NUISANCE ON CITY PROPERTY.

[Unchanged]

905.99 PENALTY.

[Unchanged]

1165.01 INTENT.

[Unchanged]

1165.02 SCOPE OF APPLICATION: COMPLIANCE NECESSARY FOR SITE PLAN OR PLAT APPROVAL.

[Unchanged]

1165.03 DEFINITIONS.

[Unchanged]

1165.04 STREET TREE PLANTING REQUIREMENTS.

In all zoning districts, developers shall plant and maintain shade trees along public streets in compliance with the following:

(a) Species. Trees shall be limited to species found in the Wooster City Urban Forestry Policy Manual, current edition. If other species are desired, the developer must apply to the ~~Shade Tree Commission~~ **Urban Forestry Commission** for approval.

(b) Quantity, Size and Location Requirements.

(1) One (1) tree shall be provided for every forty (40) linear feet of frontage, or fraction thereof, along each road.

(2) Trees shall be planted in accordance with the Wooster City Urban Forestry Policy Manual, current edition. In the C-4 Central Business District, street trees shall be planted in sidewalk pits in accordance with the Wooster City Urban Forestry Policy Manual, current edition. Street trees shall be planted in the public right of way, however, due to varying conditions near public roads and rights-of-way, street trees may be located elsewhere on the property at the discretion of the Zoning Administrator or the Planning Commission, as applicable.

(3) Each tree at the time of installation shall have a minimum caliper of two and one-half (2.5) inches and a clear trunk height of at least six (6) feet.

(4) Trees shall be planted an adequate distance from intersections so that at full maturity such planting shall comply with Section [1125.15](#), Visibility at Intersections, to ensure the unobstructed visibility of motorists and pedestrians.

(c) Installation. In the case of residential subdivisions, street trees shall be planted on developed lots after seventy-five (75) percent of the residential dwelling units have been occupied or received a certificate of zoning compliance. Undeveloped residential subdivision lots at the time of the above-required street tree planting shall have street trees planted prior to receiving a certificate of zoning compliance. For all other developments that require Development Plan Review pursuant to Section [1107.05](#), street trees shall be planted prior to receiving a certificate of zoning compliance.

(d) Maintenance. The developer shall be required to maintain the trees for two (2) years after the trees are planted and to replace any tree that dies within such two (2) year guarantee period.

(1) Upon completion of the street tree planting, the landscape contractor shall contact the Zoning Administrator.

(2) The two-(2) year guarantee period shall begin after the approval from the Zoning Administrator and submission of a guarantee in accordance with Section [1165.04](#)(d)(7).

(3) A final inspection shall be made at the end of the guarantee period.

(4) The developer shall notify the Zoning Administrator within five (5) business days of the end of the guarantee period to schedule the final inspection.

(5) All trees not exhibiting a healthy, vigorous growing condition, as determined by the Zoning Administrator, shall be replaced at the expense of the developer or builder.

(6) If the Zoning Administrator determines that replacement of a tree is required, such replacement shall occur within thirty (30) days of the date the City's inspection report is submitted to the developer. The two-(2) year guarantee period shall begin anew for each replacement tree.

(7) Developments requiring ten (10) or more street trees shall require the developer to deposit a guarantee amount equal to fifty (50) percent of the total cost of providing and installing the street trees as determined by the Zoning Administrator. The deposit shall be in the form of a bond, with the developer as

principal and with a surety company authorized to do business in the State of Ohio, a certified check, or an irrevocable letter of credit. The deposit shall be in a form acceptable to the Law Director.

1165.05 LANDSCAPING ALONG THE STREET FRONTAGE.

[Unchanged]

1165.06 SCREENING AND LANDSCAPING OF PARKING LOTS.

[Unchanged]

1165.07 BUFFERING AND SCREENING BETWEEN DISTRICTS AND USES.

[Unchanged]

1165.08 SCREENING OF ACCESSORY USES.

[Unchanged]

1165.09 RESIDENTIAL LANDSCAPING.

[Unchanged]

1165.10 PUBLIC USE LANDSCAPING.

All publicly funded buildings shall have as part of submitted contract documents a landscape plan prepared and sealed by a landscape architect registered in the State of Ohio. This plan shall be submitted to the City ~~Shade Tree Commission~~ **Urban Forestry Commission** and the Zoning Administrator for approval. Provisions for the implementation of the approved landscape plan shall be included in the final project contract. Any additional construction on public lands, buildings, additions, parking lots, etc., shall be subject to the provisions of this Chapter. Criteria for review will include appropriate buffering from adjacent properties, environmental impact, and agreement with the intent of this chapter as stated above.

1165.11 GENERAL REQUIREMENTS, INSTALLATION, AND MAINTENANCE.

[Unchanged]

1165.12 RECOMMENDED TREE SPECIES.

Acceptable trees and trees not acceptable to fulfill the requirements of this chapter include, but are not limited to, ones found in the Wooster City Urban Forestry Policy Manual, current edition. If other trees are to be considered, the matter must be brought before the Wooster ~~Shade Tree Commission~~ **Urban Forestry Commission** for approval.

1165.13 APPROVAL PROCESS FOR REQUIRED LANDSCAPING, FENCES, AND WALLS.

[Unchanged]

1165.14 WOODLAND PRESERVATION.

[Unchanged]

1165.15 FLEXIBILITY.

[Unchanged]

1181.01 CONFORMITY TO DEVELOPMENT PLANS, ZONING, AND ENGINEERING STANDARDS.

[Unchanged]

1181.02 STREET LAYOUT.

[Unchanged]

[Unchanged]

Trees shall be provided and installed by the applicant, at the applicant's expense, in tree lawns in all subdivisions where curbs, gutters and sidewalks are required in accordance with standards and specifications of the ~~Shade Tree Commission~~ **Urban Forestry Commission**. The trees shall be species that are resistant to damage and disease and which do not cause interference with underground utilities, street lighting or visibility at street intersections. The street trees shall also comply with the regulations in Chapter [1165](#), Landscaping and Land Use Buffers. Existing trees should be retained in new subdivisions and developments, whenever possible.

[Unchanged]

[Unchanged]

[Unchanged]

[Unchanged]

[Unchanged]

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

Attest: _____
Clerk of Council

President of Council

Introduced by: Barb Knapic

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

Division Engineering	Meeting Date Requested April 17, 2017
Project Name Name change; Shade Tree Commission to Urban Forestry Commission	Approved for Agenda
Estimated Total Funds/Cost \$0.00	
Is Full Amount Budgeted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If No, How Is The Purchase To Be Funded?	
Description Of Request This is a request to change the name of the Shade Tree Commission to the Urban Forestry Commission. The Shade Tree Commission members voted for the name change to more modernize the Commission.	
Justification / Benefits	
Will This Project Effect the City's Operating Costs This project will have no effect on the City's operating budget.	
What Alternatives Exist and What Are The Implications of The Alternatives	
Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
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 Suspension of the rulers is not necessary.	
Division Manager Roger Kobilarcsik	Date April 11, 2017

RESOLUTION NO. 2017-31

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 CONSTRUCTION OF A NEW STORM SEWER
SERVING THE SPINK STREET AREA AND REPAIRS TO THE
EXISTING SANITARY SEWER SERVING THAT AREA, AND
DECLARING AN EMERGENCY

WHEREAS, in compliance with the City's Master Plan for Sewer Separation and the Long Term Control Plan, it is necessary to construct a new storm sewer serving the Spink Street area, from south of Bowman to High Street and on a portion of Gasche Street south of Wilson Avenue, and including repairs to the existing sanitary sewer serving those areas; and the cost of such project is included in the capital plan for 2017; and

WHEREAS, this City Council deems that prompt action is necessary to complete the project during the building season to improve the safe and efficient distribution of storm water and sanitary effluent 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 authorized to advertise according to law and enter into a contract with the lowest and best bidder for the construction of a new storm sewer serving the Spink Street area, as described above, and including repairs to the existing sanitary sewer serving that area, in accordance with specifications now on file in his office.

SECTION 2. The cost of such contract will not exceed the amounts appropriated for this project.

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

SECTION 4. This Resolution is declared to be an emergency measure necessary 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 provide for the safe and efficient treatment of storm water and sanitary effluent within the affected area; 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.

Passed: _____, 2017

Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2017

Mayor

Introduced by: Craig Sanders

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

Division Engineering	Meeting Date Requested May 15, 2017
Project Name Spink Street and Gasche Street Sewer Separation	Approved for Agenda
Estimated Total Funds/Cost \$650,000 (\$260,000 Storm Sewer Fund) (\$130,000 Sanitary Sewer Fund) (\$260,000 OPWC Grant)	
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded?	
Description Of Request This is a request to authorize advertisement and award of a contract to the lowest and best bidder for sewer separation on Spink Street south of Bowman Street to High Street and a portion of Gasche Street south of Wilson Avenue. This project will install over 2,300 feet of storm sewer, 20 catch basins, 14 storm manholes and 8 sanitary sewer manholes. The project will separate storm sewer connections from the sanitary sewer.	
Justification / Benefits This is the last sewer separation project outlined in the City's Master Plan for Sewer Separation and CSO Long Term Control Plan for reducing combined sewer overflows and help eliminate sewer back-ups	
Will This Project Effect the City's Operating Costs This project should have little or no effect on the City's operating costs.	
What Alternatives Exist and What Are The Implications of The Alternatives Do nothing, and fail to comply with OEPA's mandate to eliminate CSO's.	
Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A 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 While suspension of the rules is not necessary, earlier passage would allow the opportunity to bid this project as early as possible.	
Division Manager Roger Kobilarcsik	Date May 5, 2017

RESOLUTION NO. 2017-32

A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO
ISSUE PAYMENT FOR OUTSIDE COUNSEL SERVICES RENDERED
IN EXCESS OF \$50,000, AND DECLARING AN EMERGENCY

WHEREAS, under the authority of Resolution No. 2016-64, this Council authorized the purchase, along with the financing, of an Anaerobic Digestion System from Wooster Renewable Energy; and

WHEREAS, given the complexity of the legal issues and negotiations, the City's Administration, during 2016, engaged the law firm of Frost Brown Todd LLC as outside council to represent the City in negotiations for the purchase of the Anaerobic Digestion System; and

WHEREAS, with an outstanding invoice in the amount of \$37,306.19, the total expenses now exceed \$50,000, which requires Council approval under WCO 160.03; and

WHEREAS, Ohio law and local fiscal policy require that expenditures in excess of \$3,000.00 be accompanied by a fiscal officer's certification of the availability of funds issued at or before the time the contract is executed; and

WHEREAS, the City was unable to estimate the costs of Frost Brown Todd's services at the time it was aware that such services would be rendered; and

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

SECTION 1. That the Director of Finance is authorized to make payment to Frost Brown Todd, LLC in the amount of \$37,306.19.

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

SECTION 4. This Resolution is declared to be an emergency measure necessary 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 concerning the purchase of an Anaerobic Digestion System from Wooster Renewable Energy; 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: _____, 2017

Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2017

Mayor

Introduced by: Jon Ansel

**Request for Agenda Item
Non-Capital**

Division Utilities

Meeting Date Requested 5/15/2017

Project Name Wooster Renewable Energy Contract Negotiations

☐ **Approved for Agenda**

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

In accordance with Wooster Administrative Code Chapter 160.03, this request is for the authorization for expenditures exceeding \$50,000 to a single vendor or service provider (Frost Brown Todd LLC). To date, \$33,791 has been paid to Frost Brown Todd LLC since January 1, 2017. Outstanding invoice(s) will exceed the \$50,000 threshold. This amount is budgeted. 2017 Special Council budget is \$185,000.

Also, requesting payment to Frost, Brown, Todd LLC in the amount of \$37,306.19 (invoice dated 4/27/2017) for legal services and contract negotiations for the purchase of the Anaerobic Digestion System located at 1123 Old Columbus Road.

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

Manager Requesting Kevin P Givins

Date 5/9/2017

Approved for Agenda

AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE

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)

Request to increase appropriations in the Community Development Block Grant Fund for three grant activities listed below:

The 2016 Viola Startzman Free Clinic CDBG Formula allocation was paid on 01/05/2017. This used the budget allocation for the 2017 CDBG Formula allocation. This will appropriate the CDBG Formula allocation for 2017.

The second item was for a CHIP rehabilitation project. An invoice for S & S Precision was not paid in 2016. This will appropriate the CHIP grant funds for this project, enabling it to be paid in 2017.

The third item was for a lead risk assessment performed by Wayne Metropolitan Housing Authority through the HOME Program for \$550 in 2016. This will enable it to be paid in 2017.

All instances involve the flow of grant funds in and grant funds out for a net zero impact.

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

No

Manager Requesting

Date

Approved for Agenda