

CITY COUNCIL AGENDA

May 21, 2018

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

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|--|--|
| 1. Liquor Control Notice – C1 & C2 Aldi Inc. Ohio 3743 Burbank Road Wooster, Ohio 44691 | 2. Liquor Control Notice – D5 Leefar Holding Co. DBA Wild Ginger China Bistro 3694 Burbank Road – Lot 7586 Wooster, Ohio 44691 |
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V. COMMITTEE REPORTS; PUBLIC HEARINGS

VI. OLD BUSINESS

VII. NEW BUSINESS

1. First Reading – RESOLUTION NO. 2018-031
A RESOLUTION DECLARING IT NECESSARY TO CLEAN THE DETENTION BASIN SERVICING THE VINTON WOODS ALLOTMENT AND TO ESTABLISH PRELIMINARY ASSESSMENTS TO THE PROPERTY OWNERS, AND DECLARING AN EMERGENCY (Bostancic)
2. First Reading – RESOLUTION NO. 2018-032
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE BRIDGE REPLACEMENT ON SR 302 WITHIN THE CITY OF WOOSTER, AND DECLARING AND EMERGENCY (Bostancic)
3. First Reading – RESOLUTION NO. 2018-033
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO APPLY FOR A GRANT FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR CERTAIN IMPROVEMENTS AT THE PROPOSED VENTURE BOULEVARD PARK; TO ACCEPT ANY SUCH GRANT IF AWARDED; TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY (Myers)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

RESOLUTION NO. 2018-031

A RESOLUTION DECLARING IT NECESSARY TO CLEAN THE DETENTION BASIN SERVICING THE VINTON WOODS ALLOTMENT AND TO ESTABLISH PRELIMINARY ASSESSMENTS TO THE PROPERTY OWNERS, AND DECLARING AN EMERGENCY

WHEREAS, Council has previously been informed of the OEPA requirements mandating the annual inspections and regular maintenance of private detention and retention basins, and;

WHEREAS, the property owners have no home-owners association and no way of collecting monies to clean the detention basin and have requested the City's help, and:

WHEREAS the detention basin has been inspected by the Engineering Division, and an estimate has been created for the work, and the work will be completed at the direction of the City Engineer, and;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO, three-fourths of all members elected or appointed thereto concurring, that:

SECTION 1. It is declared necessary to remove debris from the private detention basin and outlet conduit as well as re-establish the drainage way into the basin.

SECTION 2. The cost estimate of the work is on file in the office of the Clerk of Council.

SECTION 3. This Council finds and determines that (i) the proposed work is conducive to the public health, convenience, and welfare of this City and the inhabitants thereof, and (ii) the lots and lands to be assessed as described in Section 4 hereof are specially benefited by the improvement.

SECTION 4. The property owners within the Vinton Woods Allotment shall assume and pay the entire cost of the improvement per the mandated OEPA requirements and as stated in the City's Storm Water Management Program and City Codified Ordinance 1183.08.

SECTION 5. The City Engineer is authorized and directed to prepare and file in the office of the Clerk of Council the estimated special assessments based upon the estimated cost of the work described in this resolution. When the estimated special assessments have been so filed, the Clerk of Council shall cause notice of the adoption of this resolution and the filing of the estimated assessments to be served in the manner provided by law on the owners of all lots and lands to be assessed.

SECTION 6. The special assessments to be levied shall be paid according to the following: an invoice will be sent after completion of the work; the property owners will have **45** days to pay the invoice. If the invoice is not paid within that time-frame, the amount will be certified to the Wayne County Auditor's office and placed on the real estate tax bill.

SECTION 7. 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 the law.

SECTION 8. 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 this resolution is required to be immediately effective in order to provide for the cleaning of the detention basin, which is necessary to be compliant with OEPA standards, this Resolution shall be in full force and effect from and immediately upon its adoption and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council.

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

Passed: _____, 2018 Vote: _____

Attest: _____

Clerk of Council

President of Council

Approved: _____, 2018

Mayor

Introduced by: Bill Bostancic

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

| | |
|---|--|
| Division Engineering | Meeting Date Requested May 21, 2018 |
| Project Name Vinton Woods Detention Basin Clean Up Project | Approved for Agenda |
| Estimated Total Cost \$5,000 (\$5,000 Assessments) | |
| Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| If No, How Is The Purchase To Be Funded? | |
| <p>Description Of Purchase This is a request to declare the necessity of cleaning the detention basin servicing the Vinton Woods Allotment and to establish preliminary assessments to the 17 affected property owners. The project will remove debris from the private detention basin and outlet conduit as well as reestablish the drainage way into the basin. Last year several property owners called to make the City aware that the basin was filling and not draining. At that time the allotment was provided the opportunity to complete the work of cleaning the basin. With no home owners association and no way of collecting monies they requested help from the City to complete the task. The City will hire a contractor and manage the cleaning of the basin and then issue assessments to the owners.</p> | |
| <p>Justification / Benefits The City is mandated by the OEPA to notify owners of detention and retention basins that annual inspections and regular maintenance is a requirement. See the attached memo to City Council sent 8/14/17 explaining the OEPA requirements for storm water management.</p> | |
| <p>Will This Project Effect the City's Operating Costs This project will have no effect on operating costs.</p> | |
| <p>What Alternatives Exist and What Are The Implications of The Alternatives There are no alternatives since we are mandated by the OEPA to verify that all the detention/retention basins are maintained within the City.</p> | |
| <p>Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/>No</p> <p style="text-align: center;">If Yes, Explain The Circumstances</p> | |
| <p>Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/>Yes <input type="checkbox"/>No</p> <p style="text-align: center;">If Yes, Note Reasons Suspension of the rules will allow the opportunity to proceed with the project as soon as possible.</p> | |
| Division Manager Roger Kobilarcsik | Date May 15, 2018 |



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



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

MEMO

To: City Council
From: Joel Montgomery, Director of Administration; Lance Cole, Engineering Project Manager
CC: Mayor, Law Director, Finance Director, City Engineer
Date: 08/14/17
Re: EPA Storm Water Updates

Dear Councilpersons,

The Engineering Division has been actively managing the City's Storm Water Management Program since the Ohio EPA categorized the City of Wooster as a MS4 in 2004. As a MS4, the Ohio EPA has conveyed the responsibility of stormwater management to the City and requirements are issued every five years as permit renewals. In turn the City must submit a revised stormwater maintenance plan and quantifiable annual reports to the Ohio EPA.

During the first permit phase (2004-2009), the City was required to initiate stormwater ordinances (Chapters 925 and 1183), develop a citywide stormwater management plan, established a Site Development and Improvement Manual, and initiate monitoring of construction runoff controls. The second permit phase (2009-2014) required the City to further expand our responsibilities to include public education and outreach programs, good housekeeping for municipal operations, and develop a comprehensive stormwater system inventory and inspection program. The third phase (2014-2019) has required the City assume even more responsibility and further refine our stormwater management plan which was submitted to the Ohio EPA in December 2016. The current plan modifications are in the process of being implemented during 2017 and are outlined in the attached summary.

The most significant change for this permit term pertains to Ohio EPA mandatory enforcement of regular maintenance and annual inspection of permanent stormwater control measures, such as detention ponds. The Engineering Division has identified over 200 permanent stormwater control measures (SCM) and is in the process of determining ownership, notifying owners of their responsibilities, providing educational opportunities, obtaining required agreements and maintenance plans and eventual enforcement. The SCMs that have been identified include 70% private, 6% public and 24% of unknown ownership or responsible party. The unknown SMCs are typically located in residential developments, servicing multiple homes, on private property without easements or right of access. Should determination of ownership not be possible, the City is mandated to perform the maintenance, inspection and repairs. Subsequently, the property owners whom benefit from the SMC would be assessed for any incurred costs per existing City ordinance 1183.08.

Please note these requirements have always been part of the various Ohio EPA permits, however; with each subsequent phase of the MS4 program the City has been mandated to assume more responsibility and enforcement. Please let me know if you have additional questions or need further information. I would be happy to discuss in further detail.

Sincerely,

Joel Montgomery, PE, MSM

Director of Administration

CONSENT LEGISLATION

Resolution No. 2018-032

PID No. 90941

Project Name WAY SR 0302 02.18

The following Resolution enacted by the City of Wooster of Wayne County, Ohio,
(Ordinance/Resolution)
hereinafter referred to as the City, in the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the State has identified the need for the described project:

To perform a bridge replacement on State Route 0302 at SLM 02.18 over Christmas Run in the City of Wooster in Wayne County.

This project is currently scheduled to be constructed in the summer of 2019.

NOW THEREFORE, be it ordained by the City of Wooster of Wayne County, Ohio.

SECTION II - Consent Statement

Being in the public interest, the City gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The City shall cooperate with the Director of Transportation in the above described project as follows:

- 1) *The City gives consent for the above improvement,*
- 2) ***No funds are required from the City** except that the City agrees to assume and bear one hundred percent (100%) of the total cost for added construction items requested by the City and not necessary for the improvement as determined by the State and the Federal Highway Administration.*

SECTION IV - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the City shall:

- 1) *Provide adequate maintenance for the described Project in accordance with all applicable state and federal law;*
- 2) *Provide ample financial provisions, as necessary, for the maintenance of the described project;*
- 3) *Maintain the right-of-way, keeping it free of obstructions; and hold said right-of-way inviolate for public highway purposes.*

SECTION V – Utilities and Right-of-Way Statement

If City owned utilities, within a corporation limit or in a private easement outside corporation limits, need to be relocated due to this ODOT project, the City will be reimbursed for any relocation work; ODOT will perform the coordination, relocation, and reimbursement which shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

If other public and private utilities need to be relocated due to this ODOT project they will not be reimbursed for relocation; with exceptions due to an easement, etc.

SECTION VI - Authority to Sign

The Director of Administration of said City of Wooster is hereby empowered on behalf
(Contractual Agent)

of the City of Wooster to enter into contracts with the Director of Transportation necessary to complete the above described project.

Passed: _____, 2018.
(Date)

Attested: _____
Lynne DePaulo - Clerk Michael Buytendyk – President of Council

Attested: _____
Robert F. Breneman - Mayor

This Resolution is hereby declared to be an emergency measure to expedite the highway
(Ordinance/Resolution)
project and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

CERTIFICATE OF COPY
STATE OF OHIO
City of Wooster of Wayne County, Ohio

I, Lynne DePaulo, as Clerk of the City of Wooster of Wayne County, Ohio,

Do hereby certify that the foregoing is a true and correct copy of Resolution adopted by
(Ordinance/Resolution)
the legislative Authority of the said City of Wooster on this ____ day of May, 2018,

that the publication of such Resolution has been made and certified of record according to
(Ordinance/Resolution)

law; that no proceedings looking to a referendum upon such Resolution have been taken;
(Ordinance/Resolution)

and that such Resolution and certificate of publication thereof are of record in
(Ordinance/Resolution)

Resolution No. 2018-032.
(Ordinance/Resolution)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this ____ day of May, 2018,

(SEAL)
(If Applicable)

Clerk Signature – Lynne DePaulo
City of Wooster of Wayne County, Ohio.

The foregoing is accepted as a basis for proceeding with the project herein described.

For the City of Wooster of Wayne County, Ohio

Attest: _____, Date _____
Contractual Officer – Joel Montgomery

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation

2018-032

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

| | |
|--|--|
| Division Engineering | Meeting Date Requested May 21, 2018 |
| Project Name Bridge Replacement SR 302 over the Christmas Run PID 90941 | Approved for Agenda |
| Estimated Total 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 Purchase This is a request to authorize the Mayor to enter into a cooperative agreement with the Ohio Department of Transportation (ODOT) for replacement of the bridge over the Christmas Run across from the fair grounds. There should be no costs to the City. | |
| Justification/Benefits The Ohio Department of Transportation has committed to replacing this bridge during the 2019 construction season. | |
| Will This Project Effect the City's Operating Costs This project will have no effect on the City's operating costs. | |
| 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 If Yes, Explain The Circumstances This is a request to simply give ODOT permission to replace this bridge within the City limits at no cost to the City. | |
| Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons ODOT plan approval process can not begin until the consent is given. | |
| Division Manager Roger Kobilarcsik | Date May 16, 2018 |

RESOLUTION NO. 2018-033

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO APPLY FOR A GRANT FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR CERTAIN IMPROVEMENTS AT THE PROPOSED VENTURE BOULEVARD PARK; TO ACCEPT ANY SUCH GRANT IF AWARDED; TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Department of Natural Resources (“ODNR”) has funds available for public recreation purposes and administers financial assistance for public recreation purposes, through the State of Ohio NatureWorks grant program, and;

WHEREAS, the City of Wooster desires to obtain financial assistance through the ODNR NatureWorks program for certain improvements at the proposed Venture Boulevard Park, including the creation of a pavilion, restroom facility, trails and parking; and

WHEREAS, the City of Wooster is eligible to apply for an estimated \$79,157 in grants through NatureWorks 25th funding round in 2018;

WHEREAS, the City’s Parks and Recreation Commission has previously reviewed and approved the proposal;

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

SECTION 1. The Director of Administration is hereby authorized to apply for a grant from the ODNR NatureWorks program for the creation of a pavilion, restroom facility, trails, and parking facilities at the proposed Venture Boulevard Park; to accept such funds, if awarded, and to execute any necessary documents in connection therewith.

SECTION 2. Provided that the grant application is successful, it will be the intention of this City Council to appropriate funds in the 2019 annual appropriation ordinance to complete the proposed project and thereby become eligible for reimbursement of up to 75% of its costs, in accordance with the terms and conditions of the NatureWorks Program. It is specifically understood that this appropriation is necessary to complete the grant application and that the project will not go forward unless grant funds are awarded.

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 the 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 in order to submit the grant application in a timely manner; 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 the law.

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

Passed: _____, 2018

Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2018

Mayor

Introduced by: Scott Myers

Request for Agenda Item Non-Capital

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

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

Council's permission is being sought to apply to the Ohio Department of Natural Resources NatureWorks program for an estimated \$79,157 available in grant funding and to use the funds, if awarded for the construction of trails, pavilions, and restroom facilities at the proposed 10-acre Venture Park on the City's west end.

Venture Park is envisioned as a public-private partnership to bring destination-recreation to Wayne County. The project contains a state-of-the-art indoor tennis facility supporting regional leagues, both standard and educational, with a public component of a passive recreation park. With much of the facility already constructed, the City of Wooster is working to preserve a 10-acre section of land while adding public accessibility for the benefit of residents, area workers, and visitors. (Venture Blvd is at the center of Wooster's second-largest industrial and office employment center, with a focus on advanced manufacturing with ample research.)

Venture Park will feature a three-quarter mile multi-use pathway (4,020 linear feet) that will guide visitors through sensitive wetland environments, small creeks, and flourishing greenspace. Visitors to the park will be greeted with paved parking, a pavilion, and restroom facilities. A second pavilion will be added in a second phase, as funds allow. Additionally, the adjoining property hosting the Aspen Racquet Club, which has invested over \$2,000,000 in the creation of its facility, will be providing an access easement for a portion of the trail network.

The total estimated budget for the park is \$810,000 (including contingency). The State of Ohio has granted a budget appropriation of \$300,000 toward the project. With support through the NatureWorks program, approximately half the project will be funded. This office is also pursuing additional funding through the Ohio Public Works Commission.

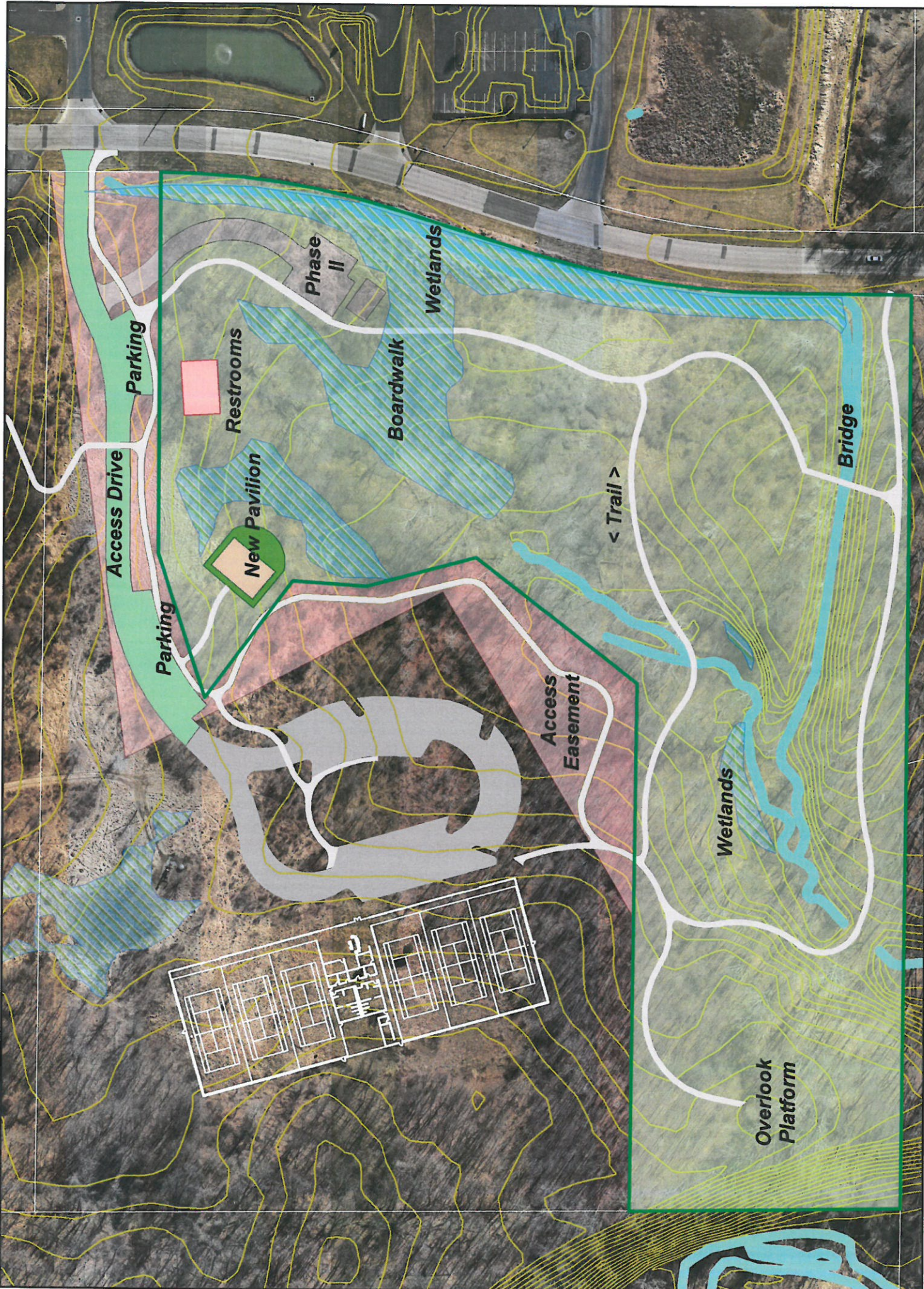
Is there a need for rules suspension or time limitation when this must be passed?

A suspension of the rules is requested in order to permit the Mayor authorization to submit the application ahead of the June 1st, 2018 deadline. Thank you.

Manager Requesting

Date

Approved for Agenda



Venture Park is envisioned as public-private partnership building off a \$2,000,000 private investment (Aspen Racquet Club) with the creation of a ten-acre public park on the City of Wooster's west end. The new public greenspace will provide a 0.75-mile paved multi-use trail, pavilion space, parking, and restrooms.

Economic Data Request
2018.05.15

