

## **CITY COUNCIL AGENDA**

**April 16, 2012**

**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**

### **VII. NEW BUSINESS**

1. First Reading - ORDINANCE NO. 2012-13 AMENDING TITLE ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO BY THE ADOPTION OF AN AMENDMENT TO SECTION 1149.03(c)(4) DEALING WITH NONCONFORMING USES OF BUILDINGS, STRUCTURES OR LAND (Knapic)
2. First Reading - RESOLUTION NO. 2012-45 AMENDING RESOLUTION NO. 2011-19 BY INCREASING THE AMOUNT OF THE CONTRACT (Ulbright)
3. First Reading - RESOLUTION NO. 2012-46 AUTHORIZING THE MAYOR TO PURCHASE VEHICLES IN ACCORDANCE WITH THE CAPITAL PLAN FOR 2012 (Steiner)
4. First Reading - RESOLUTION NO. 2012-47 AUTHORIZING THE MAYOR TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE RESURFACING OF OAK HILL ROAD AND QUINBY AVENUE (Ulbright)
5. First Reading - RESOLUTION NO. 2012-48 AUTHORIZING THE MAYOR TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE RESURFACING OF COLUMBUS AVENUE (Ulbright)
6. First Reading - RESOLUTION NO. 2012-49 AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR SERVICES RENDERED UNDER CONTRACT(S) WITH VENDORS OR FOR SERVICES PROVIDED TO THE MUNICIPALITY (Ansel)
7. First Reading - RESOLUTION NO. 2012-50 AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE CONSTRUCTION OF A PARKING LOT, STREETSCAPE AND INFRASTRUCTURE IMPROVEMENTS IN THE IMMEDIATE VICINITY OF THE MERCHANT'S BLOCK DEVELOPMENT, AND DECLARING AN EMERGENCY (Sanders)

### **VIII. MISCELLANEOUS**

### **IX. ADJOURNMENT**



“ATTACHMENT A” to Application for 556 N. Buckeye

**Description of Request:**

The Applicant, on behalf of the Owner, is requesting a text amendment of Zoning Code §1149.03(c)(4) to permit multi-family dwellings that are legal nonconforming uses in the R-T zoning district to be rebuilt if destroyed by any means to the extent of more than 50% of its replacement value.

The Applicant suggests the following text amendment to §1149.03(c)(4):

(c) Structures Occupied by Nonconforming Uses:

\* \* \*

(4) Damage or Destruction.

A. Except as otherwise expressly permitted in subpart (B) below, if in the event a building or structure that is occupied by a nonconforming use is destroyed by any means to the extent of more than 50% of its replacement value, it shall not be rebuilt, restored or reoccupied for any use unless such use conforms to the use regulations of the district in which the building or structure is located.

B. A structure devoted solely to a nonconforming single family dwelling, two-family residential use or multi-family residential use that is damaged or destroyed by fire, earthquake or other act of God, may be reconstructed so as not to exceed 100% of the gross floor area of the previous structure as used before such event of damage or destruction. All reconstruction of the structure must be completed within two years following the event of damage or destruction, shall not increase the degree of nonconformance or noncompliance existing prior to such damage or destruction, and shall otherwise be in conformance with this code.



RESOLUTION NO. 2012-46

A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE  
VEHICLES IN ACCORDANCE WITH THE CAPITAL PLAN FOR 2012

WHEREAS, this City Council, in Ordinance No. 2011-33, adopted an annual budget and capital plan for 2012, and such capital plan includes the purchase of new vehicles and equipment for the various divisions of municipal service.

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

SECTION 1. That in accordance with the capital plan adopted in Ordinance No. 2011-33, the Mayor or his designee is hereby authorized to purchase the following vehicles and equipment, with payment to originate from the fund indicated:

CAPITAL IMPROVEMENTS FUND:

Fire Division:

- One Emergency Medical Service Squad vehicle (replaces a 1999 vehicle that has extensive time and mileage usage)

With respect to such purchase(s), the Director of Administration will advertise according to law and enter into a purchase contract with the lowest and best bidder, except that if the item is available through a state-sponsored cooperative purchasing program, or can be accomplished through a vendor upon equivalent terms, conditions and specifications, but at a price which is equal to or lower than that which is available from the state sponsored program, s/he may make such purchase therefrom if s/he determines that the price and availability is more advantageous to the City.

SECTION 2. Such contract will not exceed the amount(s) appropriated for this purpose in the 2012 Appropriations Budget adopted by this Council in Ordinance No. 2011-33.

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 force from and after the earliest period allowed by law.

Introduced: \_\_\_\_\_ Passed: \_\_\_\_\_ Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2012  
Mayor

Introduced by: Jeffrey A. Steiner

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

Division FIRE

Project Name SQUAD REPLACEMENT

Requested Meeting Date APRIL 16TH, 2012

Approved for Agenda

Full Amount is Budgeted

If not, how is purchase to be funded?

Description of Purchase

The Wooster Fire Division is requesting to purchase a squad as approved in the 2012 Capital appropriations under State Bid Contract in accordance to city ordinance.

The request is to purchase one (1) Horton 623 Type I ambulance mounted on a 2013 International 4300 Chassis. This purchase would replace the 1999 Horton Type III ambulance that is currently used within the division.

The Fire Division is requested that we be able to purchase the vehicle in accordance with city ordinances under a State Bid Contract. The contract is so noted as Ohio State Contract 233X Ambulance Pricing and is found under contract number 7723300408.

The cost of the unit is \$216,139.63 and is budget in the Fire Division Capital budget line item. This item will take approximately 180 to 210 days to build and deliver.

See copy of paperwork attached. A copy of the vehicle specifications can be found in the office of the Fire Chief at the Wooster Fire Division.

Justifications / Benefits

The purchase benefits are stated in the 2012 budget capital requests for the fire division. The current vehicle we will be replacing is a 1999 Horton ambulance with 56,337 miles. The projected miles used over 300,000 miles by engine time and use. The unit being replaced is currently the 3rd responding squad. This purchase is part of the vehicle scheduled replacement.

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

None

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

We do not replace the unit. We put more monies into the upkeep of the current squad, it would also put our vehicle replacement schedule out of order and cause the possibility of having to purchase several vehicles in a one year period instead of spreading the cost over a 5 year replacement for one unit.

Sole Source Bid or Non-Bid Situation?

If Yes, explain the circumstances

Requesting suspension of the rules?

If Yes, explain reasons.

This projected is budgeted under the Capital 2012 appropriations

Division Manager

Robert Eyler, Chief

Date

March 30, 2012

Res #46

RESOLUTION NO. 2012-47

A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE RESURFACING OF OAK HILL ROAD AND QUINBY AVENUE

WHEREAS, the public works administrator has recommended the resurfacing of Oak Hill Road, between Wayne Avenue and Oldman Road; and Quinby Avenue, between Bowman Street and Wayne Avenue; and the cost thereof is included in the capital plan for 2012; and

WHEREAS, this City Council deems that prompt action is necessary for the safety of pedestrian and vehicular traffic within the area of the proposed improvements.

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

SECTION 1. That the Mayor or his designee is hereby authorized to advertise according to law and enter into a contract with the lowest and best bidder for the resurfacing of Oak Hill Road and Quinby Avenue, as described hereinabove, in accordance with specifications now on file in his office.

SECTION 2. Such contract will not exceed the amounts appropriated for this project in the 2012 Appropriations Budget adopted by this Council in Ordinance No. 2011-33

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 force from and after the earliest period allowed by law.

Introduced: \_\_\_\_\_ Passed: \_\_\_\_\_ Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2012  
Mayor

Introduced by: Jon E. Ulbright

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

<b>Division</b> Engineering	<b>Meeting Date Requested</b> April 11, 2012
<b>Project Name :</b> Oakhill & Quinby Resurfacing	<b>Approved for Agenda</b>
<b>Estimated Total Cost</b> \$336,000	
<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>	
<b>Description Of Purchase</b> This is a request to authorize advertisement and award of a contract to the lowest and best bidder for resurfacing and repairing the pavement on Oakhill Road between Wayne & Oldman, and Quinby between Bowman and Wayne.	
<b>Justification / Benefits</b> This project is on the 2012 City Paving List, and is being funded 80% by ODOT grant funds.	
<b>Will This Project Effect the City's Operating Costs</b> This project should reduce maintenance costs by repairing a deteriorating roads.	
<b>What Alternatives Exist and What Are The Implications of The Alternatives</b> Do nothing, and continue to patch holes as best as possible.	
<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 soon as possible in order to obtain the best possible bids and schedule paving as soon as possible.	
<b>Division Manager</b> Joel Montgomery	<b>Date</b> April 16, 2012

Res # 47

RESOLUTION NO. 2012-48

A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE  
ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH  
THE LOWEST AND BEST BIDDER FOR THE RESURFACING  
OF COLUMBUS AVENUE

WHEREAS, the public works administrator has recommended that Columbus Avenue be resurfaced in between Liberty Street and the railroad tracks south of Vanover Street, and the cost thereof is included in the capital plan for 2012; and

WHEREAS, this City Council deems that prompt action is necessary for the safety of pedestrian and vehicular traffic within the area of the proposed improvements.

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

SECTION 1. That the Mayor or his designee is hereby authorized to advertise according to law and enter into a contract with the lowest and best bidder for the resurfacing of Columbus Avenue, between Liberty Street and the railroad tracks south of Vanover Street, in accordance with specifications now on file in his office.

SECTION 2. Such contract will not exceed the amounts appropriated for this project in the 2012 Appropriations Budget adopted by this Council in Ordinance No. 2011-33

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 force from and after the earliest period allowed by law.

Introduced: \_\_\_\_\_ Passed: \_\_\_\_\_ Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2012  
Mayor

Introduced by: Jon E. Ulbright

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

<b>Division</b> Engineering	<b>Meeting Date Requested</b> April 11, 2012
<b>Project Name :</b> Columbus Ave Resurfacing	<b>Approved for Agenda</b>
<b>Estimated Total Cost</b> \$57,000	
<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>	
<b>Description Of Purchase</b> This is a request to authorize advertisement and award of a contract to the lowest and best bidder for resurfacing and repairing the pavement on Columbus Ave between Libery Street and the RR tracks south of Vanover Street.	
<b>Justification / Benefits</b> This project is on the 2012 City Paving List, and is being funded 80% by ODOT grant funds.	
<b>Will This Project Effect the City's Operating Costs</b> This project should reduce maintenance costs by repairing a deteriorating road.	
<b>What Alternatives Exist and What Are The Implications of The Alternatives</b> Do nothing, and continue to patch holes as best as possible.	
<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 soon as possible in order to obtain the best possible bids and schedule paving as soon as possible.	
<b>Division Manager</b> Joel Montgomery	<b>Date</b> April 16, 2012

*Res 4.48*

RESOLUTION NO. 2012-49

A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO  
ISSUE PAYMENT FOR SERVICES RENDERED UNDER  
CONTRACT(S) WITH VENDORS OR FOR SERVICES PROVIDED TO  
THE MUNICIPALITY

WHEREAS, the Director of Administration proposed to enter into contract(s) with vendors or others who have provided services essential to municipal operations; 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, in the case below neither the purchase order nor the fiscal officer's certification were issued at the time performance of the contract or service commenced, thus necessitating that this matter come to the legislative authority for authorization of the drawing of warrants in payment of amounts due upon the contract; and

WHEREAS, the contractor has performed services in accordance with the terms of the contract or otherwise provided services to the municipality, such that authorization of payment is appropriate; and the funds for this purchase order are budgeted.

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

SECTION 1. That the Director of Finance is hereby authorized to draw a warrant for the payment of the following purchase order: Aclara RF Systems, Inc., in the amount of \$8,120.00, payable from the Water Fund, for services related to the maintenance of the meter reading system.

SECTION 2. 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 3. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Introduced: \_\_\_\_\_ Passed: \_\_\_\_\_ Vote: \_\_\_\_\_

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

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_, 2012

\_\_\_\_\_  
Mayor

Introduced by: Jon Ansel



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

Division Engineering	Meeting Date Requested April 12, 2012
<b>Project Name</b> : Liberty & Walnut Parking & Streetscape Project	<b>Approved for Agenda</b>
<b>Estimated Total Cost</b> \$380,000	
<b>Is Full Amount Budgeted</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<p><b>If No, How Is The Purchase To Be Funded?</b> The costs for this project will be paid from the Storm Fund (\$13,750), OPWC (\$31,860), Permissive Tax (\$55,000), CDBG (\$159,500), RLF (\$50,000), Capital Improvement Fund (\$69,890).</p> <p>\$56,000 of CDBG and RLF funds will have to be appropriated since they were obtained after the 2011 budget was finalized.</p>	
<p><b>Description Of Purchase</b> This is a request to authorize entering into a contract for constructing the various components of the streetscape, parking, sidewalk and utilities in the Liberty and Walnut area. These improvements will provide parking and pedestrian access for the existing and proposed development in the area, including Chase Bank, County Courthouse, downtown retail and restaurants, and Merchants Block.</p>	
<p><b>Justification / Benefits</b> The majority of this work is being funded by grants or other non-city funds. The previous streetscape and parking were removed during the demolition of the former Freedlander's building. This project will replace and improve downtown parking and pedestrian access to businesses.</p>	
<p><b>Will This Project Effect the City's Operating Costs</b> This will be a new construction, so operation and maintenace costs should be minimal.</p>	
<p><b>What Alternatives Exist and What Are The Implications of The Alternatives</b> None.</p>	
<p><b>Is This A Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/>No</p> <p style="margin-left: 40px;">If Yes, Explain The Circumstances</p>	
<p><b>Are You Requesting Suspension Of The Rules</b> <input type="checkbox"/>Yes <input checked="" type="checkbox"/>No</p> <p style="margin-left: 40px;">If Yes, Note Reasons While suspension of the rules is not necessary, earlier passage would allow the for easier coordination with work currently taking place, and allow the opportunity to advertise and bid this project as soon as possible in order to obtain the best possible bids.</p>	
<b>Division Manager</b> Joel Montgomery	<b>Date</b> April 16, 2012

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