

CITY COUNCIL AGENDA

August 20, 2012

7:30 p.m.

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

I. ROLL CALL & ORDERING OF AGENDA

II. APPROVAL OF MINUTES

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

V. COMMITTEE REPORTS; PUBLIC HEARINGS

PUBLIC HEARING: Zoning Code Amendments

PUBLIC HEARING: Alley Vacation Request

VI. OLD BUSINESS

1. Third Reading - RESOLUTION NO. 2012-66 AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH THE IMPACT GROUP OF HUDSON, OHIO TO DEVELOP AND IMPLEMENT AN EDUCATION AND COMMUNICATION PROGRAM WITH INFORMATION DERIVED FROM THE COMMUNITY SURVEY, AND DECLARING AN EMERGENCY (Ansel)

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2012-22 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH PALM HOUSE APARTMENTS II, LLC FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY (Ansel)
2. First Reading - ORDINANCE NO. 2012-23 VACATING A PORTION OF AN UNNAMED ALLEY IN THE CITY OF WOOSTER (VICINITY OF SLOANE COURT) (Ulbricht)
3. First Reading - ORDINANCE NO. 2012-24 AMENDING PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY THE ADOPTION OF VARIOUS TEXT AMENDMENTS TO TITLES ONE, THREE AND FIVE OF THE CODE (Knapic)
4. First Reading - RESOLUTION NO. 2012-71 ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR (Ansel)
5. First Reading - RESOLUTION NO. 2012-72 STATING TO THE WAYNE COUNTY COMMISSIONERS, PURSUANT TO REVISED CODE SECTION 709.03, THE SERVICES WHICH THE CITY OF WOOSTER WOULD BE ABLE TO PROVIDE FOR TERRITORY LOCATED ON THE NORTH SIDE OF AKRON ROAD (SR 585), EAST OF ITS INTERSECTION WITH OLD AIRPORT ROAD, AND CONTIGUOUS TO THE CORPORATION LIMITS, AND DECLARING AN EMERGENCY. (J. Douglas Drushal, Esq., Agent for Petitioners The Donald and Alice Noble Foundation, Inc., and LUK USA, LLC) (Knapic)
6. First Reading - RESOLUTION NO. 2012-73 AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF SPECIALIZED TECHNOLOGY; TO-WIT: TWO SERVERS FOR THE INFORMATION TECHNOLOGY DIVISION (Ansel)

7. First Reading - RESOLUTION NO. 2012-74 AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR SERVICES RENDERED UNDER CONTRACT(S) WITH VENDORS OR FOR SERVICES PROVIDED TO THE MUNICIPALITY (Steiner)
8. First Reading - RESOLUTION NO. 2012-75 AUTHORIZING THE MAYOR TO ACCEPT AND APPLY GRANT MONIES FROM THE DEPARTMENT OF HOMELAND SECURITY, AND DECLARING AN EMERGENCY (Steiner)
9. First Reading - RESOLUTION NO. 2012-76 AUTHORIZING THE PUBLIC WORKS ADMINISTRATOR TO PURCHASE WATER, SEWER AND STORM SEWER REPAIR PARTS FOR THE PUBLIC PROPERTIES MAINTENANCE DIVISION (Ulbright)
10. First Reading - RESOLUTION NO. 2012-77 AUTHORIZING THE PUBLIC WORKS ADMINISTRATOR TO CONTRACT FOR THE TESTING AND CALIBRATION OF WATER METERS FOR THE UTILITIES DIVISION (Sanders)
11. First Reading - RESOLUTION NO. 2012-78 AUTHORIZING THE MAYOR TO ACCEPT AND APPLY GRANT MONIES FROM THE WAYNE COUNTY COMMISSIONERS OFFICE (Ulbright)
12. First Reading - RESOLUTION NO. 2012-79 AUTHORIZING THE PUBLIC WORKS ADMINISTRATOR TO CONTRACT FOR WATER LINE LEAK TESTING FOR THE PUBLIC PROPERTIES MAINTENANCE DIVISION (Sanders)
13. First Reading - RESOLUTION NO. 2012-80 AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO A PROFESSIONAL OR TECHNICAL SERVICES CONTRACT FOR THE PROVISION OF ELECTRONIC PAYMENT PROCESSING (Ansel)
14. First Reading - RESOLUTION NO. 2012-81 AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE NORTH STREET RESURFACING PROJECT (PID 92624) (Ulbright)
15. First Reading - RESOLUTION NO. 2012-82 AUTHORIZING THE DIRECTOR OF LAW TO EXTEND THE ENGAGEMENT OF OUTSIDE COUNSEL FOR REPRESENTATION WITH RESPECT TO ONGOING WASTEWATER TREATMENT PLANT ISSUES, AND DECLARING AN EMERGENCY (Sanders)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

ORDINANCE NO. 2012-22

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH PALM HOUSE APARTMENTS II, LLC FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY

WHEREAS, Palm House Apartments II, LLC is a for-profit enterprise which desires to renovate a 62-unit multi-family residential property located at 1183 Rebecca Street within the area designated by Wooster City Council as the community reinvestment area (CRA), including a capital investment of up to \$3,900,000.00 for the renovation of an existing facility; and it has requested tax abatement as an incentive to such expansion; and

WHEREAS, the Wooster Growth Corporation, as the designated community improvement corporation for the City of Wooster, has reviewed the request for CRA tax incentives and has recommended its adoption; and the Wooster City Schools board of education has also reviewed the request and given its approval thereof.

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

SECTION 1. That the Mayor is hereby authorized to enter into an agreement on behalf of the City of Wooster with Palm House Apartments II, LLC for CRA tax incentives. The terms of such agreement will include, but not be limited to, the following: (1) abatement of real estate taxes of 50%; (2) for a maximum term not to exceed twelve (12) years; (4) retention of at least one (1) and creation of two (2) new full-time jobs; and (4) such other terms as the Mayor, in his/her discretion, deems appropriate.

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

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary in order to facilitate implementation of the expansion project by the applicant; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the 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: _____, 2012 Vote: _____

Attest: _____ Clerk of Council _____ President of Council

Approved: _____, 2012 _____ Mayor

Introduced by: Jon Ansel

ORDINANCE NO. 2012-23

AN ORDINANCE VACATING A PORTION OF AN UNNAMED ALLEY IN THE CITY OF WOOSTER (VICINITY OF SLOANE COURT)

WHEREAS, the owners of Lot Nos. 504, 505, 506, 507, 516, 517, 518, 519, 1594 and 1598 have petitioned for the vacation of a portion of a twenty (20) foot public alley located between those lots and running in a north/south direction, on either side of Sloane Court and in between N. Buckeye and N. Market Streets, as shown by the attached petition to vacate and map thereof; and

WHEREAS, the petitioners, as owners of all of the land abutting the alley in the area of the proposed vacation, have given written consent by virtue of the petition attached hereto, thus obviating the need for notice by publication; and

WHEREAS, this City Council is satisfied that there is good cause for vacating said alley, and that it will not be detrimental to the general interest of the public.

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

SECTION 1. That a portion of a twenty (20) foot public alley running in a north/south direction between Lot Nos. 504, 505, 506, 507, 516, 517, 518, 519, 1594 and 1598, as shown on the map attached hereto, be, and hereby is, vacated, and the abutting property owners are vested with a fee simple interest in one-half of the width of the strip of land which formerly comprised the alley, in accordance with the rule announced in *Taylor v. Carpenter*, 45 Ohio St.2d 137.

SECTION 2. The Clerk of Council is hereby directed to certify a copy of this Ordinance, together with a map of the vacated alley, and record the same in the Office of the Recorder of Wayne County, Ohio.

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

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

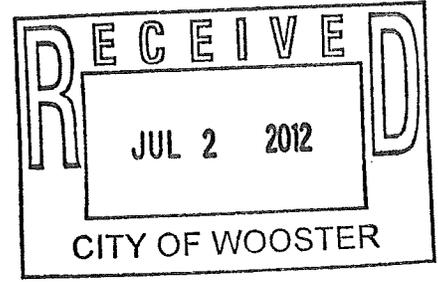
Passed: _____, 2012 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2012
Mayor

Introduced by: Jon E. Ulbright

CITY OF WOOSTER
PETITION TO VACATE ALLEY



TO THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

The undersigned, owners of lots in the City of Wooster, Ohio, abutting on a 294' foot public alley running in a North/South direction from _____ to _____ (east/west/north/south) (street name/alley description) between lot numbers 1594, 1598, 504, 519, 505, 506, 507, 517, 518 (street name/alley description) (numbers of all lots abutting the alley to be vacated)

respectfully petition your honorable body that said alley be vacated between the points named for the reason that it no longer serves a public purpose, and its vacation will not be detrimental to the general interest. The undersigned do hereby consent to the vacation of said alley in accordance with this petition filed within said Council.

Owner's signature(s)

Each owner must sign. If jointly owned, all parties must sign.

Lot number

<u>LM</u>	and	<u>Amanda Goff</u>	<u>1598</u>
<u>Josephine</u>	and	<u>Georgia E. Miller</u>	<u>1594</u>
<u>James D. Smith</u>	and	<u>Shirley D. Brantley</u>	<u>519</u>
<u>Henry A. Smith</u>	and		<u>504</u>
<u>John J. Smith</u>	and		<u>505, 506, 507, 518, 517</u>
<u>John J. Smith</u>	and		<u>516</u>
_____	and	_____	_____
_____	and	_____	_____
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_____	and	_____	_____
_____	and	_____	_____
_____	and	_____	_____

(continue on another sheet if needed)

ATTACH A TAX MAP SHOWING THE ALLEY AND ALL ABUTTING PROPERTIES
PLEASE READ THE INFORMATION PRINTED ON THE BACK OF THIS PETITION

MARKET S

507

6401373000

6401374000

506

6401611000

504

6401612000

Harvey Rickert

505

6401027000

1594

6400349000

439 North Market LLC

1595

6400165000

Jeffrey & Kathleen Slusser

1596

6402177000

6402060000

516

6400134000

517

6401325000

518

6402175000

519

George & Sherril Grande

6401603000

1598

6401066000

Lukas & Gafley Arranda

Albert Canton

6401966000

1599

6401167000

6400486000

6400487000

BUCKEY S

6400711000

2001

6401306000

2002

6401387000

2003

6402164000

2004

6401257000

2005

6400617001

1623

6400618

849

640038

640

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~~287.75~~ VACATED

294'

Vacated Alley

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Scale: 1"=60'

EXHIBIT A
PROPOSED ZONING CODE AMENDMENTS

1105.04 PLANNING COMMISSION.

(a) Establishment. The Planning Commission was established ~~in conformity with an~~ *by* ordinance #1167 adopted by Council on April 7, 1952 *September 6, 1921.*

1107.11 ~~PLANNING COMMISSION~~ *CRITERIA FOR* REVIEW OF GENERAL DEVELOPMENT PLANS *BY PLANNING COMMISSION.*

1107.20 APPEALS OF PLANNING COMMISSION DECISIONS.

Decisions by the Planning Commission..... Appeals shall be subject to judicial review in *accordance* attendance with *the* law.

1109.05 APPROVAL OF PRELIMINARY SUBDIVISION PLANS.

Preliminary subdivision plans, submitted in compliance.....following procedures. An applicant for a Planned Development may submit the preliminary subdivision plan for simultaneous review with a preliminary *general* development plan.

1109.09 APPROVAL OF MINOR SUBDIVISION.

(c) Submission and Review of Minor Subdivision Application.

(1) After determination by the Zoning Administrator and the City Engineer that applicants for minor subdivision approval shall submit *to the staff* a formal application to the staff including minor subdivision documents *which* conforming to the requirements set forth in Section 1115.08, Contents of Minor Subdivision Documents.

1111.09 VARIANCES.

The Board of Building and Zoning Appeals shall have the power, in specific cases, to vary the application of certain provisions of this Code in order that the public health, safety, morals and general welfare may be safeguarded and substantial justice done. The Board of Building and Zoning Appeals may authorize upon appeal.....according to the following procedures:

(f) Action by the Board.

(3) — ~~The Board shall have the power, in specific cases, to vary the application of certain provisions of this Code in order that the public health, safety, morals and general welfare may be safeguarded and substantial justice done.~~

1115.06 CONTENTS OF FINAL PLAT DOCUMENTS.

The final plat *documents* shall be prepared in accordance.....Zoning Administrator.

1115.08 CONTENTS OF MINOR SUBDIVISION DOCUMENTS.

(a) Completed Application Form along with ~~t~~ *The* application fee.

1119.10 ACTION BY CITY COUNCIL.

(d) If a proposed amendment is not adopted by the City Council within 60 days after receiving *the* recommendation of the Planning Commission submitted, such proposed amendment shall be deemed to have been defeated and denied and shall not thereafter be passed with out additional proceedings as provided in Sections 1119.02 through 1119.10.

~~**1125.13 PROXIMITY OF BUILDINGS TO EXISTING GAS AND/OR OIL WELL**~~

~~** (State of Ohio has sole jurisdiction now) (Renumber remainder of Section) **~~

1131.08 DEVELOPMENT AND DESIGN GUIDELINES.

(b)(3) When the proposed use abuts or is across the street from a single-family residential zoning district boundary, at a minimum, a thirty-five (35) foot buffer and landscape area shall be provided, *between the right-of-way and building and/or parking lot*, that contains no structures, with the exception of decorative fencing,

1133.02 USE REGULATIONS.

(d) Table 1133.02 Permitted Uses.

	R-1 Suburban Single-Family District	R-2 Single-Family District	R-T Traditional Residential District
(4) Other Uses			
B. Family Day Care Home, Type B	P <i>A</i>	P <i>A</i>	P <i>A</i>

1133.04 SETBACK REQUIREMENTS.

(g) Table 1133.04 Minimum Setback Requirements:

(1) Front Setback ^a

(2) Side Setback ^a

A. Minimum of any one side

B. Total side setback

(3) Rear Setback ^a

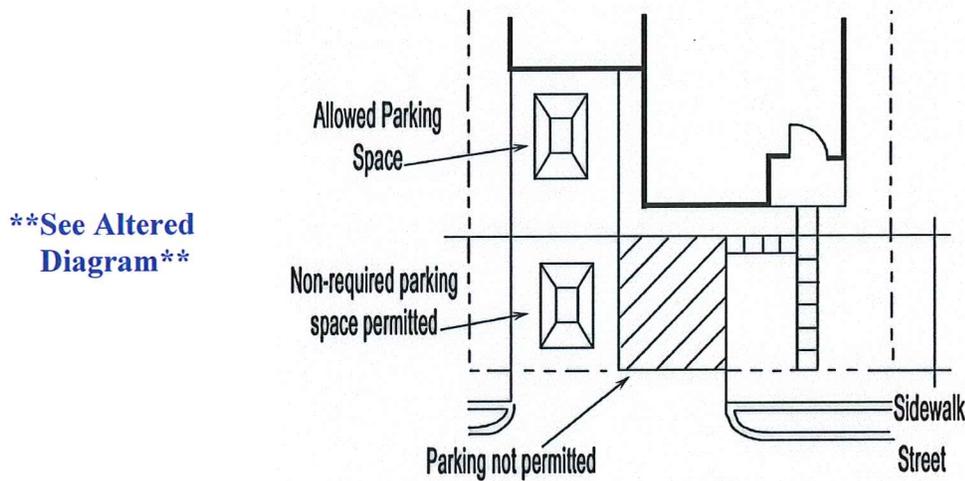
Notes to Table 1133.04:

(a) See Section 1125.02 for permitted obstructions within required setbacks or other related open space.

1133.06 DESIGN CRITERIA FOR DWELLINGS IN THE R-T DISTRICT.

(e) Required parking areas *or spaces* shall not be located in the front setback *yard area*, and *non-required or* supplemental parking areas *or spaces* are prohibited ~~between the front building line and~~ *in the front setback line-yard area, except as shown in Figure 2 below.* See Figure 2 below.

**Figure 2
Permitted Parking Locations in the R-T District**



1133.07 ACCESSORY USES AND STRUCTURES.

(b) Table 1133.07 Permitted Accessory Structures In Front, Side, And Rear Yards:

**Table 113.07
Permitted Accessory Structures In Front, Side and Rear Yards**

Use	Yard Permitted	Minimum Setback From Lot Line		
		Front	Side	Rear
<i>4. Unroofed parking spaces</i>	<i>Front, corner side, side, rear</i>	<i>(a)</i>	<i>(b)</i>	<i>(b)</i>
4.5. Fences, walls				
5.6. Outdoor storage of recreation vehicle.....				
6.7. Private swimming pools				

1134.07 DEVELOPMENT AND SITE PLANNING STANDARDS.

(c) Table 1134.07 Minimum Setback and Spacing Requirements.

	R-1	R-2	R-T
1. Setback from existing public street right-of way <i>b</i>			
2. Setback from project boundary, other than a public street <i>b</i>			
3. Setback from interior street <i>b</i> <ul style="list-style-type: none">▪ Public right-of way			

Notes to Table 1134.07

(a) When the rear wallwhichever is greater.

(b) *See Section 1125.02 for permitted obstructions within required setbacks and other related open space.*

1135.04 SITE DEVELOPMENT REGULATIONS.

(e) Table 1135.04 Site Development Standards.

- (1) Minimum Building Setback from Right-of-Way ^a
 - (2) Minimum Building Setback from ^a:
 - A. Project boundary lines.....
District
 - B. Project boundary.....other districts
-

Notes to Table 1135.04

(a) *See Section 1125.02 for permitted obstructions within required setbacks or other related open space.*

1137.03 MANUFACTURED HOME COMMUNITY REQUIREMENTS.

(c) Minimum Setbacks. All manufactured homes, mobile homes, or accessory buildings shall be setback (50) feet from any property or right-of-way line bounding the manufactured home community. *See Section 1125.02 for permitted obstructions within required setbacks or other related open space.*

1141.02 USE REGULATIONS.

(d) Table 1141.02 Permitted Uses.

	C-1 Office, Institutional	C-2 Neighborhood Business	C-3 Community Commercial	C-4 Central Business	C-5 General Commercial
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(3) Retail and Services (Cont.)

<i>J. Dog day care/grooming facility</i>	--	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>K. Kennel (with no outdoor run)</i>	--	--	--	--	<i>P</i>

(7) Accessory Uses.

C. Off-street parking facility					
--------------------------------	--	--	--	--	--

Notes to table 1141.02:

³ This use shall be permitted by-right when part of a multi-establishment building, and it is not the principal use *of* a building. If the use is proposed to be the principal use *when part of a multi-establishment* in any building (i.e. occupying the majority of gross floor area), then the use is a conditional use. *Otherwise it is a prohibited use.*

1141.04 BUILDING SETBACK REQUIREMENTS.

(b) Table 1141.04: Minimum Building Setbacks.

**Table 1141.04
Minimum Building Setbacks**

	C-1 Office, Institutional	C-2 Neighborhood Business	C-3 Community Commercial	C-4 Central Business	C-5 General Commercial
(1) Minimum setback from street ROW ³	10 feet ¹	20 feet ¹	20 feet	None ¹	30 feet
(2) Maximum setback from street ROW	20 feet	30 feet	NA	10 feet	NA

Table 1141.04 (Cont'd)

	C-1 Office, Institutional	C-2 Neighborhood Business	C-3 Community Commercial	C-4 Central Business	C-5 General Commercial
(3) Setback from side and rear lot line abutting non-residential district ³	8 feet ²	8 feet ²	10 feet ²	None	10 feet ²
(4) Setback from side lot line abutting residential district ³	10 feet	10 feet	50 feet	25 feet	50 feet
(5) Setback from rear lot line abutting residential district ³	25 feet	25 feet	50 feet	25 feet	50 feet

Notes to Table 1141.04:

¹ Shall comply.....below

² Except when.....required.

³ See Section 1125.02 for permitted obstructions within required setbacks or other related open space.

1141.11 DESIGN STANDARDS.

(b) Applicability of Regulations. In addition to the development standards.....listed in Section 1141.01. *For all properties designated as Landmarks or in Landmark Districts, the Design and Review Board shall have final approval over the exterior appearance of the building and/or property.*

1141.12 PERFORMANCE STANDARDS.

(f) Emission. No land use or structure shall be used or occupied in any manner to create dangerous or objectionable noise or emissions. All uses shall comply with the regulations regarding noise in Section 1125.16 *1143.09*, Performance Standards.

1142.04 SETBACK REQUIREMENTS.

(a) Table 1142.04 Setback Requirements.

**TABLE 1142.04
SETBACK REQUIREMENTS**

(1) Front setback ^a	100 feet
(2) Side setback ^a	50 feet
(3) Rear setback ^a	50 feet

Notes to Table 1142.04

(a) See section 1125.02 for permitted obstructions within required setbacks or other related open space.

TABLE 1143.02 E. Other Use Types:

8. ~~Oil and gas wells~~

1143.04 BUILDING SETBACK REQUIREMENTS.

(b) Table 1143.04: Minimum Building Setbacks.

**Table 1143.04
Minimum Building Setbacks**

	M-1 Office/Limited Manufact'g	M-2 General Manufact'g	M-3 Urban Manufact'g	M-4 Open Space/ Heavy Manufact'g
(1) Minimum building setback for lots fronting on existing streets ²				
A. Minimum.....				
B. Setback.....				
C. Setback.....				
(2) Minimum building for setback for lots fronting on new streets in industrial subdivision ²				
A. Front.....				
B. Side and.....				
1. Adjacent.....				
2. Adjacent.....				

Notes to Table 1143.04:

1 The maximum setback shall be 30 feet

2 *See Section 1125.02 for permitted obstructions within required setbacks or other related open space.*

1147.09 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES.

(t) (2) Openings for parking access from a public right-of-way shall be a maximum ofwide.

(gg) Service Establishment, Business/Personal. When such an establishment is the principal use in a building, it shall only be permitted *allowed* when part of a multi-building development whose principal uses are permitted by-right in the C-1 or M-1 Districts.

CHAPTER 1148 1129 Agricultural District (Renumber entire section)

1148.02 1129.02 USE REGULATIONS.

(d) TABLE 1148.02 1129.02 Permitted Uses.

LAND USE CATEGORY	AG AGRICULTURAL DISTRICT
(1)	
D. Oil and gas wells	€
E. <i>D.</i> Veterinary animal hospital or clinic, kennel	C

11481129.04 SETBACK REQUIREMENTS.

(e) Table 11481129.04 Minimum Setback Requirements:

		AG Agricultural
(1)	Front Setback ^a	25 ft.
(2)	Side Setback ^a	40 ft.

Notes to Table 1129.04

(a) See Section 1125.02 for permitted obstructions within required setbacks or other related open space.

1149.03 NONCONFORMING USES OF BUILDINGS, STRUCTURES, OR LAND.

(c) Structures Occupied by Nonconforming Use.

(2) Expansion of Building(s). No such building shall be enlarged or expanded to increase the nonconforming use. No additional structures shall be constructed in connection with such nonconforming use *except as follows:*

(a) The construction of a detached accessory structure related to a nonconforming residential use shall be permitted subject to complying with the accessory use lot coverage & setback regulations of the zoning district in which the nonconforming residential use is located. The maximum height of such accessory structure shall not exceed 20 feet.

(b) For nonconforming residential uses, non-habitable attached garages, porches and decks, although requiring zoning clearance and a zoning permit, shall not be considered expansions of non-conforming uses. Such additions to non-conforming residential uses shall comply with the lot coverage & setback requirements of the zoning district in which the nonconforming residential use is located. The maximum height of such addition shall not exceed 35 feet.

(3) Alteration or Reconstruction of a Building Occupied by a Nonconforming Use.

No building or structure occupied by a nonconforming use shall be altered, improved, or reconstructed except when the use is changed to a *permitted* use ~~permitted~~ in the district in which it is located, or upon prior approval of the Board of Building ~~and~~ *and* Zoning Appeals provided the cumulative cost of the alteration, reconstruction, or improvement permitted by the Board of Building ~~and~~ *and* Zoning Appeals does not exceed 50% of the building's replacement value.

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

- (a) (2) The entire site of existing development when substantial expansion ~~or alteration~~ is conducted. ~~An alteration or~~ *An* expansion of an existing property is substantial when:
-
- (3) The portion of a developed site devoted to the expansion ~~or alteration~~ of an existing building, structure or *expansion/alteration of a* vehicular use area when such site is not governed by sub-section 1165.02 (a)(2) above.

1165.05 LANDSCAPING ALONG THE STREET FRONTAGE.

All areas within the required front *setback*, ~~or~~ corner building *setback*, and/or parking setback, excluding driveway openings, shall be landscaped as required below. The following minimum plant materials shall be provided and maintained on all lots or developments except lots devoted to ~~single~~ *le*-family detached and two-family dwellings:

1165.06 SCREENING AND LANDSCAPING OF PARKING LOTS.

b) Perimeter Landscaping Requirements. In addition to the requirements of subsections 1165.06(a) and 1165.06(c) hereof, perimeter landscaping shall be required along any side of a parking lot that abuts adjoining property that is not a right of way. A landscaped strip, ~~at least ten (10) in width~~ *meeting the required minimum parking setback (in depth) of the zoning district in which the property is located*, shall be located between the parking area and the abutting property lines. One large.....strip. However,apart. This ~~ten (10)-foot wide~~ strip shall be landscaped open space free of any wall, fence, embankment and/or walkway. Such.....strip. The requirements....Section 1165.07.

(c) Street Frontage Planting Requirements.

- (1) Landscaped setbacks. Provide at least a ten (10) foot wide landscaped area exclusive of that required for sidewalks and utility easements, as specified in the Planning and Zoning Code, between the *road* right-of-way and the parking lot. *When a parking lot is located adjacent to an alley, a minimum of a four (4) foot wide landscaped area, exclusive of any type of curbs, shall be provided between the alley right- of-way and the parking lot.*

This landscaped strip shall contain the plantings mandated by Section 1165.04, Street Tree Planting Requirements, if the plantings mandated ~~bey~~ *by* Section 1165.04 are not provided in the right-of-way. ~~and~~ *a* At least a three (3) foot high evergreen hedge, masonry wall or ornamental fence, *with landscaping provided in front of such wall, fence, etc. (which meets the requirements in sub-section 1165.06 (b), Perimeter Landscaping Requirements)*, ~~such wall, fence, etc.~~ shall *also* be constructed on the edge of such landscape strip closest to the parking lot.

1165.07 BUFFERING AND SCREENING BETWEEN DISTRICTS AND USES.

- (c) When Required.
 - (3) A lot in a Residential District is devoted to a non-residential conditional use *or a non-residential nonconforming use;*
 - (4) Required by the.....Chapter 1147:

1165.08 SCREENING OF ACCESSORY USES.

- (b) ~~Oil and Gas Well and Storage Tanks. Existing oil and gas wells and related storage tank facilities~~
- (e) *(b)* Ground Mounted Mechanical Equipment.
- (d) *(c)* Outdoor Storage and Loading Areas.
- (e) *(d)* Height of Screening.

1169.04 OFF-STREET PARKING STANDARDS.

**TABLE 1169.04
Required Off-Street Parking Spaces**

Principal Building or Use	Minimum Parking Requirement ^{"a"}
(f) <u>Retail/Personal Service (Cont.)</u>	
<i>(8) Dog day care/grooming facility</i>	<i>1 space per 200 square feet of floor area</i>

1169.07 ALLOWANCE FOR SHARED PARKING.

- (c) The parking facility *spaces* shared shall be owned by the owner of one of the uses or *shared through a leased agreement* for at least a 20 year term or *shared* through a permanent easement by the owner of the uses- being served. Such lease or easement shall be approved by the Zoning Administrator and the Law Director. *If the term of the use is limited by a conditional use permit, then the term of the lease agreement may be limited accordingly. At the expiration of the term of a lease, the owner of the use being served shall either renew the lease agreement (which shall be approved by the Zoning Administrator and Law Director), replace the shared parking or end the use that required the shared parking.*

1169.08 ALLOWANCE FOR OFF-SITE PARKING.

- (d) The off-site *parking* lot may be located in a different zoning district than the structure or use it serves if *that* parking facility is *a* permitted by right or by conditional use permit in the different zoning district. *However, nonresidential off-site parking in residential zoning districts shall not be permitted.*

1169.12 PARKING DESIGN STANDARDS.

**Table 1169.12
Parking Design Standards**

	45°	60°	90°	PARALLEL
(a) Width of Parking Space	13 ft	10 ft	10 9 ft	9 ft
(b) Length of Parking Space	--	--	20 18 ft	23 ft
(c) Width of Circulation Aisle '1'	13 ft	18 ft	22 24 ft	12 ft

**Figure 1169.12a
Illustration of Parking Design Standards**

** In the diagram for 45° parking: (a) should be changed from 10' to 13'; for 90° parking: (a) should be changed from 10' to 9', (b) should be changed from 20' to 18', (c) should be changed from 22' to 24', and (d) should be changed from 62' to 60' **

1171.02 APPLICATION OF SIGN REGULATIONS.

(d) The following signs and display are exempt from the regulations of this Chapter:

(4) Any sign inside a building that is not attached to the window or door and is not legible from a distance of more than three feet beyond the lot on which the sign is located. *not legible from a distance of more than three feet beyond the lot on which the sign is located and which is inside a building or is attached to the inside of the window or door.*

1171.03 (a) Determining Sign area or Dimension.

(2) For a sign that is framed, outlined, painted,.....the area of the sign shall be the area of one (1) rectangular shape that *all the display area* that encompasses the entire background or frame *of the sign.*

(3) For a sign comprised of individual letters, figures,.....the area of the sign shall be *computed by enclosing such sign with the smallest single continuous perimeter around the letters, numbers, figures, emblems or elements and determining its area.*

1171.04 SIGNS IN NONRESIDENTIAL DISTRICTS.

(c) Permanent Freestanding Signs.

(5) Minimum Sign Setback from Intersection. On corner lots, freestanding signs shall comply with the minimum sign setback from both street rights-of way, as set forth in Table 1171.04(c) *and shall comply with Section 1125.17.*

(d) Temporary Signs In Nonresidential Districts.

(3) Other Temporary Signs. A temporary sign, whether a freestanding sign;.....or a portable sign, shall be permitted for a period not to exceed thirty (30) days not more than four (4) times per calendar year *not more than four (4) times per calendar year, not to exceed a period of more than thirty (30) days each time.*

(5) Temporary Signs in C-4 District. *Only* sandwich board signs and similar types of temporary signs shall be permitted ~~only~~ in the C-4 District. Such signs.....passage. Such signsin width. Sandwich board signs.....business day. The Zoning.....such signs.

** (Add to the list of fees, a temp. sign fee of \$10.00)**

1171.10 ADMINISTRATIVE PROVISIONS.

(c) Table 1171.10 Administrative Requirements.

**Table 1171.10
Administrative Requirements**

Sign Type	Sign Permit Required	Sign Permit Not Required
Temporary (<i>less than 6 sq. ft.</i>)	--	X
Temporary (<i>greater than 6 sq.ft.</i>)	X	

SCHEDULE A

**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION,
AND COUNTY AUDITOR'S ESTIMATED TAX RATES**

FUND	Amount to Be Derived from Levies Outside 10 Mill Limitation	Amount Approved by Budget Commission Inside 10 Mill Limitation	County Auditor's Estimate of Tax Rate to Be Levied	
			Inside 10 Mill Limit	Outside 10 Mill Limit
	Column II	Column IV	V	VI
GENERAL		1,797,700	3.90	
FIREMAN'S FUND		150,200	0.30	
POLICE PENSION		150,200	0.30	
TOTAL		2,098,100	4.50	

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate Authorized to Be Levied	County Auditor's Estimate of Yield of Levy Carry to Schedule A Column II

and by it futher

RESOLVED, That the Clerk of this Council be and he is hereby directed to certifiy a copy of this Resolution to the County Auditor of said County.

_____ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

_____ ,	_____ yes	_____ no
_____ ,	_____ yes	_____ no
_____ ,	_____ yes	_____ no
_____ ,	_____ yes	_____ no

Adopted the _____ day of _____, 20 _____

President of Council

Attest:

Clerk of Council

RESOLUTION NO. 2012-72

A RESOLUTION STATING TO THE WAYNE COUNTY COMMISSIONERS, PURSUANT TO REVISED CODE SECTION 709.03, THE SERVICES WHICH THE CITY OF WOOSTER WOULD BE ABLE TO PROVIDE FOR TERRITORY LOCATED ON THE NORTH SIDE OF AKRON ROAD (SR 585), EAST OF ITS INTERSECTION WITH OLD AIRPORT ROAD, AND CONTIGUOUS TO THE CORPORATION LIMITS, AND DECLARING AN EMERGENCY. (J. Douglas Drushal, Esq., Agent for Petitioners The Donald and Alice Noble Foundation, Inc., and LUK USA, LLC)

WHEREAS, J. Douglas Drushal, Esq., agent for Petitioners, has, pursuant to Revised Code Section 709.02, filed a petition with the Wayne County Commissioners seeking annexation of 140.012 acres of land owned by petitioners in Wayne Township, adjacent to the City of Wooster (a map of said area is attached hereto); and

WHEREAS, Revised Code Section 709.03 provides that upon the clerk of the municipal legislative authority receiving notice of a proposed annexation, the municipal legislative authority shall, by ordinance or resolution, adopt a statement indicating what services, if any, the municipal corporation will be able to provide upon annexation of the territory proposed for annexation.

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

SECTION 1: That upon annexation to the City of Wooster, the land contained in the petition for annexation would receive the following services from the City of Wooster:

- A. Police protection from the full-time police department of the City of Wooster; and fire protection and emergency squad services from the full-time fire department of the City of Wooster. The projected response time for fire and emergency squad is 4.5 minutes from Station 2, first-in unit; and 6.5 minutes from Station 1, second-in unit. These services would be immediately available.
- B. A twelve-inch water line is located at the intersection of Akron and Old Airport Roads, approximately 1,250 feet from the territory proposed for annexation, and immediately accessible for extension thereto. The water plant and water resources of the City of Wooster have sufficient capacity to serve this property. This service would be immediately available upon the Petitioners paying the necessary fees and obtaining the necessary permits.
- C. An eight-inch sanitary sewer line is located at the north end of Old Airport Road, approximately 1,850 feet from the territory proposed for annexation, and immediately accessible for extension thereto. The water pollution control plant has sufficient capacity to serve this property. This service would be immediately available upon the Petitioners paying the necessary fees and obtaining the necessary permits.

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

Division Information Technology Project Name VMware Server Replacement Requested Meeting Date 08/20/2012

- Approved for Agenda
 Full Amount is Budgeted

If not, how is purchase to be funded? N/A

Description of Purchase (2) HP DL360 G8 servers for a total of 15,888.00, including 3 years 24x7 on-site support. These 2 units will replace 3 existing servers running VMware ESX software. One server will be installed in the City Hall Server Room, and one will be installed at the Public Properties Maintenance Garage in keeping with our disaster recovery plan.

Justifications / Benefits The City has moved to virtualized servers over the last five years, which have improved our ability to scale server resources based on demand, enabled greater efficiency in configuration and maintenance, reduced power and cooling requirements in the Server Room, and provided for more seamless disaster recovery. The virtual machines that constitute our server infrastructure (web servers, database servers, file servers, and others) operate on physical servers running VMware ESX software. Multiple virtual servers run simultaneously on one physical VMware server. The servers targeted for replacement are five years old, out of warranty, and no longer supported by VMware for current versions of their software. Purchasing these two new servers will allow us to upgrade our VMware software to the current version, and take advantage of manageability, performance, backup, and recovery enhancements that have been introduced since the version we currently run was released in 2008. Advances in computer hardware capabilities also allow us to reduce the number of physical servers needed to power the same number of virtual servers (as well as allow for future growth), which will reduce power and cooling requirements in the Server Room.

How will this project effect the City's operating budget? Since three current servers will be retired, and the project price includes three years of hardware support for the new servers, this purchase will not affect operating costs for at least three years.

What alternatives exist, and what are the implecations of the alternatives? We could continue to operate the servers we currently own (which have been solid performers) until May 2013 when VMware no longer supports the version of software that we are running.

- Sole Source Bid or Non-Bid Situation?

If Yes, explain the circumstances The project cost is below the bid threshold.

- Requesting suspension of the rules?

If Yes, explain reasons. N/A

Division Manager James Dodd Date 8/10/2012

Res #73

RESOLUTION NO. 2012-74

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 Fire Chief 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: D & G Uniforms, Inc., in the amount of \$3,286.00, payable from the General Fund (Fire Division cost center), for the purchase of uniforms for Fire Division personnel.

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: Jeffrey A. Steiner

**Request for Agenda Item
Non-Capital**

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

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

The Wooster Fire Division would like to purchase items from there operating budget in excess of \$3,000 for items ordered prior to the Purchase Order being made per ordinance. The total of the purchase order was \$4,000 to D&G uniform and the total cost of the invoiced goods was \$3,286.00.

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

The amount was appropriated in the 2012 budget.

Manager Requesting

Date

Approved for Agenda

Res #74

RESOLUTION NO. 2012-75

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT AND APPLY GRANT MONIES FROM THE DEPARTMENT OF HOMELAND SECURITY, AND DECLARING AN EMERGENCY

WHEREAS, the Fire Division received a grant from the Department of Homeland Security, in conjunction with the Wayne County Emergency Management Agency, to fund the purchase and installation of weather sirens for the safety of the general public; and

WHEREAS, the project has been approved at \$45,000.00, of which amount the DHS will contribute 50%, or \$22,500.00, subject to a fifty percent (50%) local match, with such funds to be expended for the purchase and installation of one new weather siren and the updating of two existing sirens; and it is necessary to formally accept the funds and execute certain documents in connection therewith.

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

SECTION 1. That the Mayor is hereby authorized to accept grant monies awarded by the Department of Homeland Security, to expend such monies, plus a fifty percent (50%) local match, in accordance with the terms of such grant; and to execute any necessary documents in connection therewith. In conjunction with this authority, the amount of \$45,000.00 is hereby appropriated from the unappropriated balance in the General Fund (Fire Division operating budget), with a related transfer from the Fire Division operating budget to the interfund transfer cost center (General Fund), and then to the Capital Improvements Fund, where it is appropriated for the purposes stated herein.

SECTION 2. In accordance with the award of the foregoing grant, the Mayor or his designee is hereby authorized to enter into a technical services contract with Federal Signal Corporation for the purchase and installation of one new weather siren and the updating of two existing sirens, as well as any related hardware and software.

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 acceptance is necessary in order to utilize the grant monies for the health and wellness of the fire division personnel; 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 law.

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

Passed: _____, 2012

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 WEATHER SIREN UPDATE AND INSTALLATION Requested Meeting Date August 20th, 2012

- Approved for Agenda
 Full Amount is Budgeted

If not, how is purchase to be funded? The funds would be paid through a contract agreement and grant with the Department of Homeland Security under FEMA with the submittal by the Wayne County Emergency Management Office. This grant is a 50% grant and the City of Wooster would pay the entire cost of the project and then would be reimbursed 50% up to the total cost of funding awarded by the grant. The fire division is asking for funding to be appropriated to pay for our share of the funding if approved.

Description of Purchase The Wooster Fire Division is requesting to have council consider the approval of a grant from the Department of Homeland Security and to appropriate from City funds our share of the grant. The funding requested was for \$45,000 and the City would be obligated to pay no more than \$22,500.00
The Fire division is also requesting to enter into a State Bid Contract in accordance with City Ordinances, with Federal Signal Corporation (this is the make of our (2) current sirens) to purchase the equipment and installation. At the current time we have been awarded the grant, but are still waiting for the acceptance of the Environmental Impact Study. that has been received for the Wooster Fire Division with the cooperation and submittal of the grant by the Wayne County Emergency Management. The ability to use the grant as funded requires the project to be completed by September 2012.
This grant was requested after doing research on the current weather alerting system within the City limits. Research shows that we City should place one (1) new warning siren in the specific area of the Wooster Country Cub on the high ground that is available there. The research also suggests that we upgrade the two (2) current sirens do not have 2-way capability that will allow daily monitoring of the condition of the siren. At current time, we only know the system does not work when the sirens do not activate during monthly testing. (3)The current sirens are also required to be narrowband as mandated by the FCC. The updating part of the grant will fulfill this requirement.

Justifications / Benefits It was apparent during research that the city does not have adequate coverage with a severe weather warning system for people outside in the case of inclement weather. The grant was applied for is the only grant available for us to apply for and assist in defraying the cost of the updates and the addition to the current system we now have. (See attached maps for sound study)
The inclusion of the four (4) Wayne Township Sirens that can heard in the city and the addition of another siren in a very strategic location will give us very good coverage within the City limits. This is specific to areas in which people are normal outside.
If the grant is approved and the project completed we would see a savings of about \$3,000 in software equipment cost that we would normally have incur to make our system work. Below is the current projected costs.

Cost without Shared Services		With Shared Services
2 Siren Update	\$17,637.00	\$17,637.00
1 New Siren	\$20,832.00	\$20,832.00
1 Monitoring Equipment and Software	\$6,060.00	\$0.00

How will this project effect the City's operating budget? Very Minimal, an increase of a monthly electrical charge.

What alternatives exist, and what are the implications of the alternatives? If the grant is not approved we would have to incur the entire cost of the updates and additional siren.
Without updating the current system we do not know from day to day whether the system is working. As of today the current system is unreliable. We have had to have the system looked at 3 times in the past year because they did not activate during the monthly testing. At the current time they are not functional. The exclusion of the new siren and its location would still leave the city with inadequate siren coverage. I am currently looking to put about \$5,000.00 into the current system to be narrowbanded as well as replace parts that have worn out such as

Sole Source Bid or Non-Bid Situation?

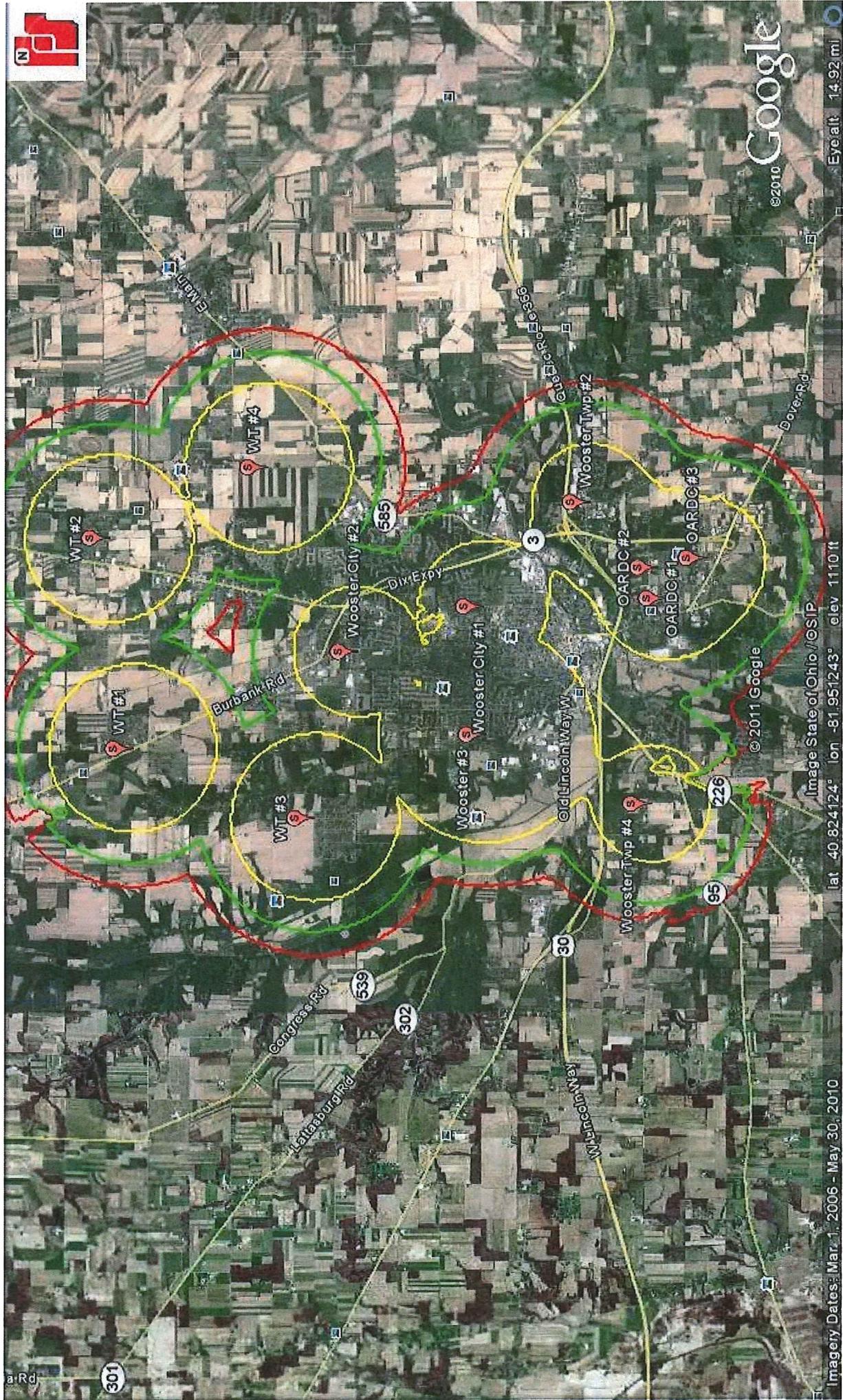
If Yes, explain the circumstances We would like to purchase the equipment and installation through a State Bid Contract through the Ohio DAS.

Requesting suspension of the rules?

If Yes, explain reasons.

Division Manager Robert Eyler, Chief Date March 30th, 2012

Res # 75



Google

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Image State of Ohio / OSIP

lat 40.824724° lon -81.951243° elev 1110 ft

© 2011 Google

Imagery Dates: Mar. 1, 2006 - May 30, 2010

a Rd

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30

95

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3

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WT #2

WT #4

WT #1

WT #3

Wooster #3

Wooster City #1

Wooster City #2

Wooster Twp #2

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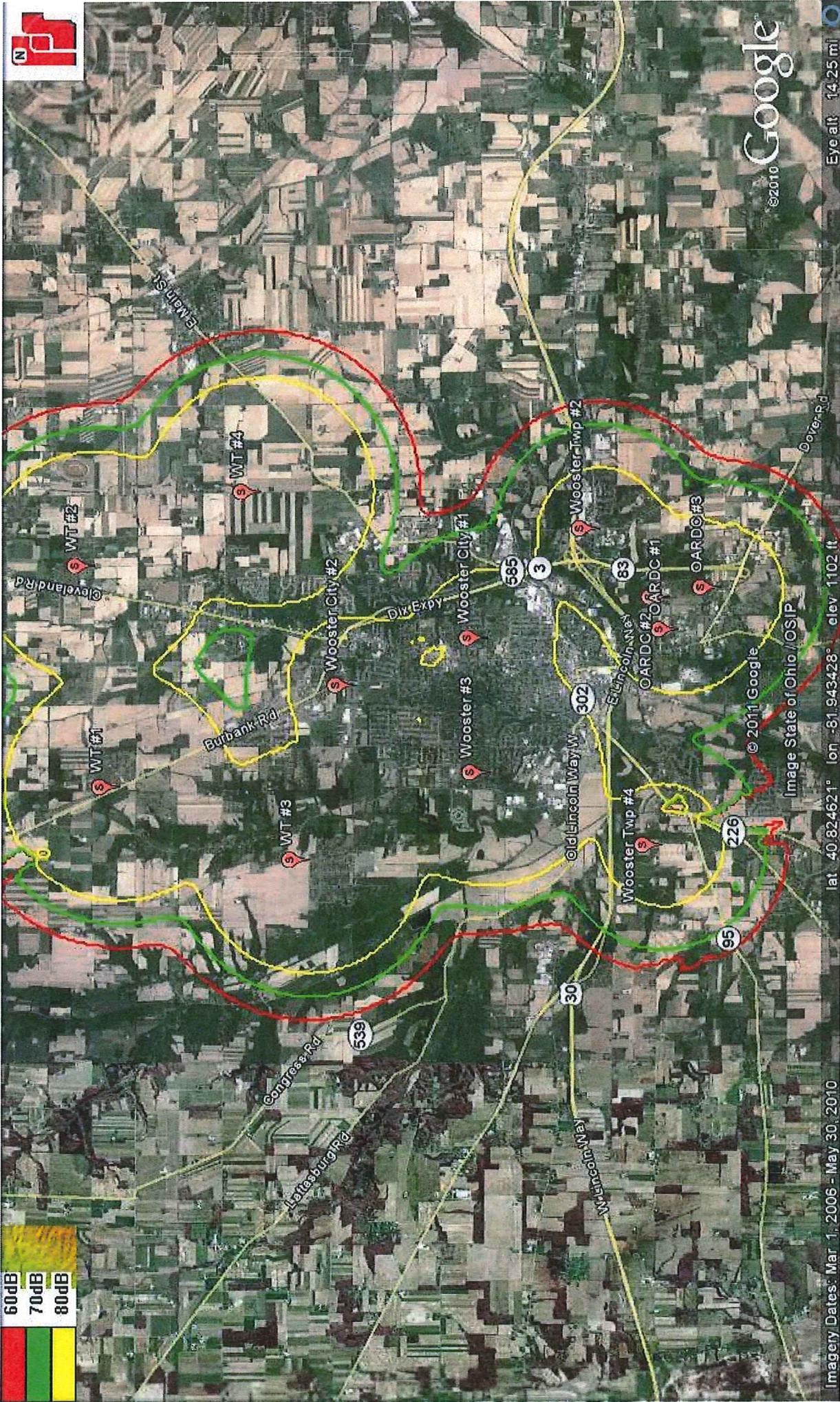
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Old Lincoln Way W

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Imagery Dates: Mar 1, 2006 - May 30, 2010

**Request for Agenda Item
Non-Capital**

Division Meeting Date Requested

Project Name Approved for Agenda

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

To purchase water, sanitary sewer, and storm sewer repair parts for the PPM division. With our aging infrastructure and our reduced capital funding the need for repairs has increased. In 2011 expenditures were \$46,000. Thus far in 2012 expenditures total \$13,000. We have an additional amount of \$37,000 budgeted for 2012. At this time we are asking council to approve the \$50,000 limit.

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

There is a need for rules suspension to expedite the purchase process.

Manager Requesting

Date

Approved for Agenda

Res # 76

**REQUEST FOR AGENDA ITEM
AUTHORIZATION FOR CONTRACT**

Division: **Public Properties Maintenance**

Meeting Date Requested: **August 20, 2012**

Project Name: **Water Meter Testing & Calibration** Approved for Agenda:

=====

1. Estimated Total Cost: **Not to exceed budgeted amount. Estimated cost is \$25,000 for large meter testing and calibration.**

2. Is the full amount budgeted? **YES** or NO. If no, how is the purchase to be funded? **Funds are available in the Water Fund.**

3. Description of Purchase: **Request to enter into a contract for large meter testing, evaluation, calibration and repair.**

4. Justification\Benefits: **The City has traditionally experienced approximately 30% unaccounted for water loss. This primarily attributed to water breaks/leaks in pipes and uncalibrated water meters. The City averaged approximately \$200,000/year in lost revenue between 2008 and 2010. The 60 largest meters in the system average almost 15 million gallons per month in recorded usage. Even a 10% loss in accuracy could result in significant lost revenue.**

Ultimately, it would be a best management practice to perform large meter testing on a periodic basis based on size, from yearly on the largest meters to 3 to 5 years on smaller commercial meters. We have not performed any large meter calibration and testing for over 10 years. Most meters have never been tested since installation. It is anticipated that these services will require some additional repair due to the lack of past calibration and maintenance, which is included in the cost above. It is also anticipated that these services will result in complete cost recovery.

5. Will this project affect the city's operating costs? **This should recoup significant lost water revenue.**

6. What alternatives exist and what are the implications of the alternatives. **We could forgo meter testing, fail to reduce unaccounted for water loss, and fail to recover lost water revenue.**

7. Is this a sole source request? **YES** NO If yes, explain the circumstances: **This request is under the \$25,000 bid limit, and can be awarded to a contractor without bidding. In addition, multiple proposals were received, and all were within \$500 of each other.**

8. Are you requesting suspension of the rules and passage on one reading? If yes, note reasons. **No.**

Joel Montgomery
Public Works Administrator

Date: August 15, 2012

Res #77

RESOLUTION NO. 2012-78

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT AND APPLY GRANT MONIES FROM THE WAYNE COUNTY COMMISSIONERS OFFICE.

WHEREAS, the City of Wooster received a grant from the Wayne County Commissioners Office, Revolving Loan Fund Committee, to fund infrastructure improvements associated with the Merchants Block Redevelopment Project at 125 East Liberty Street in downtown Wooster; and

WHEREAS, the project has been approved at \$498,350.00, of which amount the Wayne County Commissioners Office will contribute \$75,000.00, with such funds to be expended for the installation of infrastructure improvements related to the Merchants Block Redevelopment Project; and it is necessary to formally accept the funds and execute certain documents in connection therewith.

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

SECTION 1. That the Mayor is hereby authorized to accept grant monies awarded by the Wayne County Commissioners Office, Revolving Loan Fund Committee; to expend such monies in accordance with the terms of such grant award; and to execute any necessary documents in connection therewith. In conjunction with this authority, the amount of \$75,000.00 is hereby appropriated for the purposes stated herein.

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 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 acceptance is necessary in order to utilize the grant monies for the installation of infrastructure improvements related to the Merchants Block Redevelopment Project; 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 law.

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

Passed: _____, 2012

Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2012

Mayor

Introduced by: Jon E. Ulbright

**Request for Agenda Item
Non-Capital**

Division Administration **Meeting Date Requested** August 20, 2012

Project Name Acceptance of grant monies for public infrastructure improvements related to the Merchants Block Redevelopment **Approved for Agenda**

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

The city administration applied for grant funds from the Wayne County Revolving Loan Fund Committee on May 25, 2012. The request for assistance was in the amount of \$75,000 and was sought to be utilized for the completion of phase 2 of a public parking lot and infrastructure immediately behind (north) the Merchants Block Redevelopment, by surfacing, landscaping and constructing a public trash/recycling receptacle in the parking lot. The requested funds would also assist in completing the construction of additional public sidewalks along Walnut Street.

Upon submission of the application for grant funds in the amount of \$75,000 the Wayne County Commissioners and Wayne County Revolving Fund Committee recently approved the request as submitted.

In order to utilize these funds as a legitimate source of funding related to the redevelopment of public infrastructure related to the Merchants Block Redevelopment, city administration is requesting that these grant funds be accepted and applied for this purpose.

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

Yes, this project is scheduled to begin in the near future and acceptance of these funds will allow city administration the opportunity to utilize these funds as needed.

Manager Requesting Justin Starlin

Date August 16, 2012

Approved for Agenda

Res #78

**REQUEST FOR AGENDA ITEM
AUTHORIZATION FOR CONTRACT**

Division: **Public Properties Maintenance**

Meeting Date Requested: **August 20, 2012**

Project Name: **Water Line Leak Testing**

Approved for Agenda:

=====

1. Estimated Total Cost: **Not to exceed budgeted amount. Estimated cost is \$5,000 for additional leak testing.**

2. Is the full amount budgeted? **YES** or NO. If no, how is the purchase to be funded? **Funds are available in the Water Fund.**

3. Description of Purchase: **Request to enter into a contract for additional leak testing for 2012, with Underground Utility Services.**

4. Justification\Benefits: **The City has contracted with Underground Utility Services for the last 5 years. We have traditionally performed limited leak testing for less than \$15,000 per year. In the last two years alone, we found more than 10 leaks in 2011 and more than 15 main line leaks in 2012, with an additional 7 service leaks. We estimate conservatively that repairing these leaks has saved more then \$20,000 per year for the 2012 leaks alone. The additional money would allow us to locate more leaks in areas known to have leak prone pipes.**

Ultimately, it would be a best management practice to perform leak surveys twice per year. Once at the beginning of the year, and once after repairs are made and valves are operated throughout the system.

5. Will this project affect the city's operating costs? **This should decrease operating expenses due to reduced pumping, and should recoup lost water revenue.**

6. What alternatives exist and what are the implications of the alternatives. **We could forgo additional testing, and miss additional leaks, and fail to reduce unaccounted for water loss.**

7. Is this a sole source request? **YES** NO If yes, explain the circumstances: **This request is under the \$25,000 bid limit, and can be awarded to a contractor without bidding. In addition, Underground Utility Services has provided these services to the City for several years, including this year.**

8. Are you requesting suspension of the rules and passage on one reading? If yes, note reasons. **No.**

Joel Montgomery
Public Works Administrator

Date: August 15, 2012

Res# 79

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

Division Engineering	Meeting Date Requested August 20, 2012
Project Name 2013 Resurfacing – North Street Resurfacing; PID 92624	Approved for Agenda
Estimated Total Cost \$40,700. ODOT Grant = \$32,600 (80%), Local Funds = \$8,100 (20%)	
Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded? This will be budgeted in the 2013 appropriations budget. It is currently included on the City's 10 Infrastructure Strategic Plan.	
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 resurfacing of North Street between Bever and Beall. ODOT is funding 80% of construction and construction engineering costs. All of the construction engineering, contract management and inspection will be performed in-house by the engineering division staff. ODOT will reimburse 80% of these costs as well, up to \$3,000.	
Justification/Benefits The Ohio Department of Transportation has committed to funding 80% of the construction costs for this project in FY 2012 - FY2013	
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 We could do nothing, and turn down the grant funds. We could proceed with the project using other interest accruing financing methods.	
Is This A Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Explain The Circumstances This is a request to simply accept the funds already awarded for this project, and is a requirement of the funding process.	
Are You Requesting Suspension Of The Rules <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, Note Reasons	
Division Manager Joel Montgomery	Date August 16, 2012

Res #81

RESOLUTION NO. 2012-82

A RESOLUTION AUTHORIZING THE DIRECTOR OF LAW TO EXTEND THE ENGAGEMENT OF OUTSIDE COUNSEL FOR REPRESENTATION WITH RESPECT TO ONGOING WASTEWATER TREATMENT PLANT ISSUES, AND DECLARING AN EMERGENCY

WHEREAS, in 2007 the law director, in cooperation with the utilities manager, recommended engaging outside counsel to represent the city in enforcement matters related to the operation of the wastewater treatment plant; and

WHEREAS, since that time the city has become engaged in various matters related thereto, and has continued to work with the firm of Ice Miller, LLP, as its outside counsel; and there are outstanding invoices in relation to work done by the firm; but the existing appropriation of funds for such matters has been exhausted, such that it is necessary to appropriate additional funds to see the pending matters through to completion.

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 extend the engagement of Ice Miller, LLP of Columbus, Ohio for legal services related to the resolution of pending matters, including, but not limited to:

- Appeal of the 2007 NPDES permit;
- Negotiations with an energy company relative to the potential for utilizing its resources at the WWTP;
- Matters related to the implementation of plant upgrades necessitated by the recent findings and orders, and the related plant capacity evaluation completed by URS; and
- Evaluation of the feasibility of recovering costs associated with past upgrades performed at the WWTP.

SECTION 2. The cost of such services, both as to unpaid invoices and services in connection with ongoing projects, will not exceed \$60,000.00, which amount is hereby appropriated from the unappropriated balance in the Water Pollution Control Fund. In connection therewith, the finance director is hereby authorized to issue payment for outstanding invoices to Ice Miller 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

