

CITY COUNCIL AGENDA

February 22, 2011

7:30 p.m.

All meetings are held in Council Chambers, 1st Floor, 538 N. Market Street

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 - RESOLUTION NO. 2011-31 APPROVING THE REPORT OF THE ASSESSMENT EQUALIZATION BOARD ON OBJECTIONS CONCERNING THE ESTIMATED SPECIAL ASSESSMENTS FOR THE AKRON ROAD PROJECT, AND DECLARING AN EMERGENCY (Ulbright)

2. First Reading - ORDINANCE NO. 2011-05 DETERMINING TO PROCEED WITH THE IMPROVEMENT OF AKRON ROAD BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, PAVING, RESURFACING, CONSTRUCTING CURBS, GUTTERS, SIDEWALKS AND DRIVEWAY APPROACHES, CONSTRUCTING A TURNING LANE, INSTALLING STORM SEWERS, CATCH BASINS, MANHOLES, WATER MAINS, FIRE HYDRANTS, AND TRAFFIC CONTROL SIGNS AND DEVICES, AND ACQUIRING ANY REAL ESTATE AND INTERESTS THEREIN REQUIRED THEREBY, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY (Ulbright)

3. First Reading - RESOLUTION NO. 2011-32 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR THE PURCHASE OF SEALANT FOR THE REPAIR OF CITY STREETS (Ulbright)

4. First Reading - RESOLUTIO NO. 2011-33 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO CONTRACT WITH BARRETT AND ASSOCIATES FOR CIVIL SERVICE TESTING SERVICES (Steiner)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

RESOLUTION NO. 2011-31

A RESOLUTION APPROVING THE REPORT OF THE ASSESSMENT EQUALIZATION BOARD ON OBJECTIONS CONCERNING THE ESTIMATED SPECIAL ASSESSMENTS FOR THE AKRON ROAD PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the Assessment Equalization Board appointed by Resolution No. 2011-26 to hear and determine all objections to the estimated special assessments for the improvement known as the Akron Road Project, the necessity for which was declared in Resolution No. 2011-07, has filed its report with this Council as to its determination of the objections;

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

SECTION 1. That the report of the Assessment Equalization Board referred to in the preamble to this resolution is hereby approved. The estimated special assessments as reported and approved by that Board shall be filed in the office of the Clerk of Council. A copy of such report is attached hereto and incorporated herein by reference.

SECTION 2. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 3. This resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City, and for the further reason that this resolution is required to be immediately effective in order to provide for the construction of the improvement, which is necessary to eliminate existing hazards to the traveling public and provide for adequate drainage and utility services to the residents of this City; wherefore, this resolution shall be in full force and effect immediately upon its adoption 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: _____, 2011 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2011 _____
Mayor

Introduced by: Jon E. Ulbright

**REPORT OF ASSESSMENT EQUALIZATION BOARD
AKRON ROAD PROJECT**

TO: The Council of the City of Wooster, Ohio

DRAFT

Gentlepersons:

We, the undersigned members of the Assessment Equalization Board appointed by your Resolution No. 2011-26, passed February 7, 2011, to hear and determine objections to the estimated special assessments filed pursuant to Resolution No. 2011-07, with respect to the improvement of Akron Road, as described in that Resolution and the supporting documents thereto, respectfully report:

- (1) We met at the time and place established in Resolution No. 2011-26, and took an oath of office as provided by law; and
- (2) We considered and determined all of the objections to the estimated special assessments, or to the amount and apportionment of those special assessments, and, except to the extent of the reductions recommended in this report, find that those objections are not well taken, and therefore overrule and deny them; and
- (3) A total of four objections were timely filed, all of which were considered individually by the Board, and two of which were found to have merit. As a consequence, we have equalized the estimated assessments as follows:
 - A) With respect to the objection filed by the Noble Foundation (owner of the former First farm, Parcel 28), we agreed with the recommendation of the city engineer that the parcel should be removed from the assessment role, as it is not within the corporation limits, and thus, not subject to assessment by the municipal government.
 - B) With respect to the objection filed by The Village Network (Boys Village, Parcel 26), we found that due to its location at the northern terminus of the project it does not, as so situated, receive a benefit to the same degree as those properties located fully within the project area. Therefore, we recommend that the proposed assessment for The Village Network be reduced by ten percent (10%).
 - C) With respect to any proposed assessment that exceeds the one-third value (based upon the county auditor's valuation) as appears on the Values & Assessment Analysis prepared by the city engineer, we recommend that the assessments be conformed to equal but not exceed the one-third value contained therein.
- (4) We also find that the estimated special assessments of this improvement, on file with the Clerk of Council, as so adjusted and equalized by this Board, are in accordance with the provisions of Resolution No. 2011-07; that they are limited, with respect to each lot and parcel of land to be assessed, to the special benefits conferred thereon by the improvement; and those estimated special assessments as so adjusted and equalized are therefore approved.

DRAFT

- (5) We have completed all hearings on the objections and have concluded our deliberations with the submission to you of this report;
- (6) We find and determine that all formal actions of this Board concerning and relating to the rendering of this report were adopted in an open meeting of this Board, and all deliberations of this Board that resulted in those formal actions were conducted in compliance with law.

Respectfully submitted,

Robert Metz, Jr., Chairperson

William Gasbarre, Member

Don L. Reynolds, Member

ORDINANCE NO. 2011-05

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF AKRON ROAD BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, PAVING, RESURFACING, CONSTRUCTING CURBS, GUTTERS, SIDEWALKS AND DRIVEWAY APPROACHES, CONSTRUCTING A TURNING LANE, INSTALLING STORM SEWERS, CATCH BASINS, MANHOLES, WATER MAINS, FIRE HYDRANTS, AND TRAFFIC CONTROL SIGNS AND DEVICES, AND ACQUIRING ANY REAL ESTATE AND INTERESTS THEREIN REQUIRED THEREBY, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, this Council has adopted Resolution No. 2011-07 on January 3, 2011, declaring the necessity of making the improvement described in Section 1 (the Resolution of Necessity); and

WHEREAS, pursuant to the Resolution of Necessity, the City Engineer prepared and filed in the office of the Clerk of Council the estimated special assessments for that improvement, notices were thereafter served on the owners of all lots and lands to be assessed, certain of those owners filed objections thereto, including an objection stating that Parcel No. 51-00036.000 (the Parcel) is not in the City; and

WHEREAS, the City Engineer has reviewed the location of the Parcel and confirmed that it not in the City and, therefore, under Revised Code Section 727.01, this Council is not authorized to levy an assessment upon the Parcel and the Parcel should therefore be removed from the aforesaid list of estimated assessments and not assessed; and

WHEREAS, Council has adopted a resolution approving the report of the Assessment Equalization Board appointed by Resolution No. 2011-26 to hear and determine the objections which were filed;

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

SECTION 1. It is determined to proceed with the improvement of Akron Road, from Old Airport Road to Gateway Drive, by grading, draining, widening, paving, resurfacing, constructing curbs, gutters, sidewalks and driveway approaches, constructing a turning lane, installing storm sewers, catch basins, manholes, water mains, fire hydrants, and traffic control signs and devices, and acquiring any real estate and interests therein required thereby, all together with the necessary appurtenances thereto.

SECTION 2. The improvement shall be made in accordance with the provisions of the Resolution of Necessity, and with the plans, specifications, profiles and estimate of cost previously approved and now on file in the office of the Clerk of Council.

SECTION 3. Any claims for damages resulting from the improvement that have been legally filed shall be inquired into after completion of the improvement, and the Director of Law is authorized and directed to institute legal proceedings in a court of competent jurisdiction to inquire into those claims.

SECTION 4. The portion of the cost of the improvement to be assessed in accordance with the Resolution of Necessity, less the amount to be assumed and paid by the City as an additional part of the City's portion of the cost of the improvement in accordance with the report of the Assessment Equalization Board referred to in the preambles hereto, shall be assessed in the manner and pursuant to the schedule set forth, and on the lots and lands described, in the Resolution of Necessity. This Council further confirms and determines that, for the reasons set forth in the preambles hereto, the Parcel shall be removed from the estimated special assessments, the Parcel shall not be assessed, and the amount thereof shall be assumed and paid by the City as an additional part of the City's portion of the cost of the improvement.

RESOLUTION NO. 2011-32

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR THE PURCHASE OF SEALANT FOR THE REPAIR OF CITY STREETS

WHEREAS, it is necessary from time to time to seal the cracks in city streets in order to extend the life thereof, and it is, therefore, necessary to purchase sealant for the machine that applies the sealant to the cracks, and the cost thereof is included in the capital plan for 2011.

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

SECTION 1. That the Director of Administration is hereby authorized to enter into a contract for the purchase of sealant for the repair of city streets. This is a purchase, the amount of which exceeds \$15,000.00, but is less than or equal to \$25,000.00, and thus exempt from the competitive bidding requirement.

SECTION 2. The cost of such contract/project will not exceed the amount budgeted in the 2011 Appropriations Budget adopted by this Council in Ordinance No. 2010-37.

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: _____, 2011

Mayor

Introduced by: Jon E. Ulbright

**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 purchase of crack sealant to seal cracks on asphalt and concrete streets to keep the water from infiltrating the surface and deteriorating the asphalt and concrete. The sealant is used also to seal the curb lines on resurfaced streets to keep moisture from getting under the new asphalt. The concrete joints on concrete streets are sealed for the same reason, to prevent water from infiltrating under the surface and causing damage to the surface. Sealing of streets is a maintenance process done to increase the life span of streets.
We would like to purchase approximately 44,000 pounds of material at a cost of \$.49 per pound, and a shipping charge of \$675.00. We have purchased this amount in years past and have been pleased with the results.

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

Yes, the first of March will see an increase in the cost of material. We are purchasing the material with the state procurement process.

Manager Requesting

Date

Approved for Agenda

RESOLUTION NO. 2011-33

A RESOLUTION AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO CONTRACT WITH BARRETT AND
ASSOCIATES FOR CIVIL SERVICE TESTING SERVICES

WHEREAS, as a result of retirements in the Police and Fire Divisions it is necessary to contract with Barrett and Associates of Cuyahoga Falls, Ohio for civil service testing services for promotions in the aforementioned divisions, and the cost thereof, which is included in the budget for 2011, will exceed the amount requiring approval of this Council.

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

SECTION 1. That the Director of Administration is hereby authorized to enter into a contract with Barrett and Associates for civil service testing services.

SECTION 2. The cost of such contract/project will not exceed the amount budgeted in the 2011 Appropriations Budget adopted by this Council in Ordinance No. 2010-37.

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: _____, 2011 Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2011

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 City of Wooster will be giving several civil service tests for police and fire. In order for us to comply with our Civil Service Laws, we will need a testing service to perform these duties. After reviewing several companies, we selected Barrett and Associates for these services. The legislation is necessary in case the testing were to exceed the \$15,000 threshold.

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

If possible, we could sign the contract for the Sergeants and Lieutenants exam before June.

Manager Requesting

Date

Approved for Agenda