

WOOSTER CITY COUNCIL AGENDA

November 17, 2014

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

VI. OLD BUSINESS

1. Second Reading – ORDINANCE NO. 2014-30 AN ORDINANCE AMENDING CHAPTER 1351, MINIMUM HOUSING STANDARDS AND PROPERTY MAINTENANCE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO UPDATE THE CODE (Knapic)
2. Second Reading – ORDINANCE NO. 2014-31 AN ORDINANCE AMENDING CHAPTER 1311, APPEALS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO UPDATE THE CODE (Knapic)

VII. NEW BUSINESS

1. First Reading – ORDINANCE NO. 2014-33 AN ORDINANCE APPROPRIATING FROM VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF WOOSTER FOR THE FISCAL YEAR ENDING DECEMBER 31, 2015, AND DECLARING AN EMERGENCY (Ansel)
2. First Reading – ORDINANCE NO. 2014-34 AN ORDINANCE AUTHORIZING THE CITY OF WOOSTER TO ACCEPT A GIFT OF LAND FROM THE E.J. WALTER CO. (Silvestri)
3. First Reading – ORDINANCE NO. 2014-35 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT FOR AN ENCROACHMENT UPON THE PUBLIC RIGHT-OF-WAY, AND DECLARING AN EMERGENCY (Ulbright)
4. First Reading – RESOLUTION NO. 2014-66 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT(S) WITH THE LOWEST AND BEST BIDDER(S) FOR THE EXTENSION OF WATER AND SANITARY SEWER LINES TO THE DAISY BRAND SITE (Sanders)
5. First Reading – RESOLUTION NO. 2014-67 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR RESURFACING PORTIONS OF E. LIBERTY STREET AND PITTSBURGH AVENUE (Ulbright)
6. First Reading – RESOLUTION NO. 2014-68 A RESOLUTION AUTHORIZING AGREEMENTS WITH VARIOUS APPLICANTS FOR THE USE OF ECONOMIC DEVELOPMENT MONIES (Ansel)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

ORDINANCE NO. 2014-30

AN ORDINANCE AMENDING CHAPTER 1351, MINIMUM HOUSING STANDARDS AND PROPERTY MAINTENANCE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO UPDATE THE CODE

WHEREAS, the chief building official recommends the adoption of an updated property maintenance code for that presently in effect within the municipality.

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

SECTION 1. That Chapter 1351, Minimum Housing Standards and Property Maintenance Code, of the Codified Ordinances of the City of Wooster, Ohio is hereby amended to read as follows:

1351.01 ADOPTION OF CODE.

Except as may otherwise be provided hereinafter, the International Property Maintenance Code, 2006~~12~~ edition, as published by the International Code Council, Inc., is hereby adopted as the Housing Code of the City for the control of buildings, structures, equipment and exterior property, as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the International Property Maintenance Code, 2006~~12~~ edition, are hereby referred to, adopted and made a part hereof, as if fully set out at length in this chapter with the additions, insertions, deletions and changes, if any, prescribed herein. A copy of such Code shall be on file with and available for public inspection in the office of the Chief Building Official.

1351.02 APPEAL.

Any person affected by a decision or order issued under this chapter by the Code Official shall have the right to appeal to the Board of **Building and Zoning** Appeals, provided that a written application for appeal is filed within twenty (20) calendar days after the day of the decision or order was served. An application for appeal shall be based on a claim that the true intent of the Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the Code do not fully apply, or the requirements of the Code are adequately satisfied by other means. The Division shall serve written notice, personally or by registered or certified mail, upon the appellant of the time, place and date of the hearing on the appeal, and the same be set for the next regular meeting of the Board of **Building and Zoning** Appeals, providing that such date permits two days' notice thereof to the appellant. Failure to appear at the hearing shall be deemed to be a waiver of the appeal, unless prior thereto, the appellant has, through the Division, requested and received a continuance.

1351.03 ASSESSMENT OF COSTS BY MUNICIPALITY. [No changes]

1351.05 AMENDMENTS.

The International Property Maintenance Code adopted in Section 1351.01 shall be modified by the adoption of the following provisions set forth herein:

- (a) 101.1 Title shall be amended by the insertion of the words [the City of Wooster].
- (b) 103.5 Fees shall be amended by the insertion of the words [the Building Standards Division fee schedule].
- (c) 112.4 Failure to comply shall be amended by the insertion of the words [100 dollars] and [500 dollars].
- (d) 302.4 Weeds shall be amended by the insertion of the words [twelve inches].
- (e) 304.14 Insect screens shall be amended by the insertion of the words [April 1] and [October 30].
- (f) 504.3 Plumbing system hazards shall be amended by the addition of the following:
All backflow prevention assemblies shall be tested at least annually. The owner or owner's representative shall cause the applicable test and keep records of the tests and shall submit such records to the building official upon request.
- (g) 602.3 Heat supply shall be amended by the insertion of the words [January 1] and [December 31].
- (h) 602.4 Occupiable work spaces shall be amended by the insertion of the words [January 1] and [December 31].
- (i) Appendix A Boarding Standard is adopted under this chapter.

1351.99 PENALTY.

Whoever violates any provision of the **Minimum Housing Standards and Property Maintenance** Code adopted under this chapter shall be fined not ~~more~~-less than one hundred dollars (\$100.00), ~~nor more than five hundred dollars (\$500.00)~~, or imprisoned not more than ninety days, or both. No person shall be imprisoned under this Section 1351.99 for a first offense, and the prosecution shall always be as and for a first offense unless the affidavit upon which prosecution is instituted contains the allegation that the offense is a second or repeated offense.

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 or its committees, in compliance with law.

SECTION 3. This Ordinance shall take effect and be in full force from and after the earliest date allowed by law.

1st reading 11-3-14 2nd reading _____ 3rd reading _____

Passed: _____, 2014 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2014
Mayor

Introduced by: Barbara Knapic

**Request for Agenda Item
Non-Capital**

Division Building Standards / Planning

Meeting Date Requested November 3, 2014

Project Name Update Housing Standards and Property Maintenance Code

☐ **Approved for Agenda**

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

We want to adopt the 2012 International Property Maintenance Code (IMPC) referenced in **Chapter 1351 Minimum Housing Standards and Property Maintenance Code**. Currently we are enforcing the 2006 International Property Maintenance Code. Also, there are related changes to the ordinances that discuss the appeals process for the Property Maintenance Code that are affected and must be changed.

The 2012 IPMC is an improvement over the 2006 version because it has more specific descriptions and requirements. There is vast improvement for identifying dangerous structures or premises and the authority of the code official in those cases. Provisions were put in place for stop work orders and alternative methods for boarding buildings that need demolished or repaired. An Appendix was created to specify the process for boarding structures. Nine definitions were added to Chapter 2. Two sections were added to Chapter 3 to provide a better way of identifying and defining unsafe exterior structure and component conditions. Occupancy limitations were updated in Chapter 4 to help ensure proper calculation for habitable living conditions. Chapter 5 added two sections to increase the safe and sanitary condition for many structures including public toilet facility maintenance and access regulations as well as grease interceptor and backflow valve regulations. These updates will help the code official be more effective when identifying and resolving property maintenance issues.

Chapter 1351 Minimum Housing Standards and Property Maintenance Code also has an appeal section. Appeals are made to the Board of Building and Zoning Appeals. Wording needs to be updated in two chapters: **Chapter 1351 Minimum Housing Standards and Property Maintenance Code** and **Chapter 1311 Appeals (Building Code)**.

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

No.

Manager Requesting Tim Monea/Andrew Dutton

Date October 9, 2014

Approved for Agenda

Ord 30431

Key Updates from the 2006 International Property Maintenance Code to the 2012 International Property Maintenance Code

Summary

The 2012 IPMC is an improvement on the 2006 version because it has more specific descriptions and requirements. In the scope and administration chapter the authority of the code and code official is clearly described. There is vast improvement for identifying dangerous structures or premises and the authority of the code official in those cases. Provisions were put in place for stop work orders and alternative methods for boarding buildings that need demolished or repaired. An Appendix was created to specify the process for boarding structures. Nine definitions were added to Chapter 2. Two sections were added to Chapter 3 to provide a better way of identifying and defining unsafe exterior structure and component conditions. Occupancy limitations were updated in Chapter 4 to help ensure proper calculation for habitable living conditions. Chapter 5 added two sections to increase the safe and sanitary condition for many structures including public toilet facility maintenance and access regulations as well as grease interceptor regulations. Sections were added to Chapter 5 to help define and ensure structures had safe electrical equipment and any hazards due to water exposure and fire exposure are abated properly. The fire safety requirements chapter was updated to include automatic sprinkler systems and provisions for wireless smoke alarms. All of these updates will assist the code official in utilizing the code to give a more detailed approach to identifying and resolving many property maintenance issues.

Scope and Administration (Chapter 1)

Wording change to section 102.1 states that in cases where this code differs from the referenced standards the provisions of this code shall apply.

****See page 1, 102.1 IPMC 2012**

Addition to section 102.7 to include sections 102.7.1 and 102.7.2. These sections explain which code shall apply when there are conflicts between provisions of the code or referenced standards.

****See page 1, 102.7 IPMC 2012**

Addition of section 102.9 and 102.10 explain that in a situation where the code may make reference to a chapter or section number or to another code provision without specifically identifying its location in the code, assume that the referenced section, chapter or provision is in the code and not in a referenced code or standard. Section 102.10 explains that the requirements of the code do not nullify but are in addition to the other laws that are in effect (local, state, federal), although the code official may not be responsible for its enforcement.

****See page 1-2, 102.9 and 102.10 IPMC 2012**

Change/Addition to section 104.1 combines the IPMC 2006 section 104.2 and 104.1 which explains the duties and powers of the code official.

**See page 2, 104.2 IPMC 2012

Addition to section 104.6 to explains record retention requirements in more detail.

**See page 2, 104.6 IPMC 2012

Addition of sections 105.5 and 105.6 explains the requirements for approving used materials.

**See page 3, 105.5 and 105.6 IPMC 2012

Addition of section 107.4 states that tampering with signs, seals, or tags posted at the property is a violation of the code.

**See page 3, 107.4 IPMC 2012

Addition of section 108.1.5 contains a general listing of conditions that establish a baseline to compare or evaluate a structure against to determine if the present condition of a building or structure is dangerous. This allows a code official to cite specific conditions under which he or she finds a structure to be dangerous.

**See page 4, 108.1.5 IPMC 2012

Addition of section 108.2.1 explains the authority of the code official to disconnect service utilities in the case of an emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval.

**See page 5, 108.2.1 IPMC 2012

Addition of section 108.6 describes the usual circumstance in which a building has such critical violations that it is declared unsafe by the code official. The owner, operator or occupant should take abatement measures to correct the unsafe condition. If this is not done promptly, the code official has the authority to directly abate the unsafe conditions and bill the owner for the abatement work in accordance with the code.

**See page 5, 108.6 IPMC 2012

Addition of section 108.7 states that the code official must file a report stating the occupancy of the structure and the nature of the unsafe condition.

**See page 5, 108.7 IPMC 2012

Change/Addition to section 110.1 allows for the code official the option to order the owner to either board up and hold for future repair or to demolish and remove when a structure is deemed dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy... The

boarding of the building shall not extend beyond one year unless approved by the building official.

****See page 6, 110.1 IPMC 2012**

Addition of section 112 provides the authority, issuance, emergency, and failure to comply regulations for a stop work order. When work regulated by this code is being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

****See page 7, section 112 IPMC 2012**

Definitions (Chapter 2)

The following definitions were added to Chapter 2:

Anchored

Detached

Deterioration

Dwelling Unit

Easement

Equipment Support

Neglect

Pest Elimination

Ultimate Deformation

****See pages 9-10 IPMC 2012**

General Requirements (Chapter 3)

Addition to section 304.1.1 sets out general and specific delineations in a building or structure that would make it unsafe. These delineations allow the code official more specific references to conditions that characterize an unsafe building or structure. It describes in detail unsafe conditions related to the exterior of the structure to provide the code official the ability to require replacement or repair.

****See page 12, 304.1.1 IPMC 2012**

Addition to section 304.19 addresses all gate assemblies, operator systems and hardware must be maintained to perform their intended functions.

****See page 13, 304.19 IPMC 2012**

Addition to section 305.1.1 describes in detail unsafe conditions related to the interior of the structure to provide the code official the ability to require replacement or repair.

****See page 14, 305.1.1 IPMC 2012**

Change/Addition to section 306, section the original handrails and guardrails section for 306 was moved to section 307 and 306 is now component serviceability. Component serviceability contains a general provision for components and equipment related to a structure to be maintained in sound and sanitary condition. In order to analyze all of the elements of a building, this section ensures that each component of a building must also meet its intended purpose or the building can be regarded as unsafe. The provision specifies that each material that is used to create a building or structure must continue to be viable.

****See page 14, Section 306 IPMC 2012**

Light, Ventilation and Occupancy Limitations (Chapter 4)

Addition to section 403.5 allows for an exception for venting clothes dryers to the outside if they are listed and labeled condensing (ductless) clothes dryers.

****See page 17, 403.5 IPMC 2012**

Addition to section 404.4.1 requires additional square footage for bedrooms occupied by more than one person. (50 square feet for each occupant)

****See page 18, 404.4.1 IPMC 2012**

Change/Addition in sections 404.5-404.6 specify the requirements for minimum floor areas in more detail for dwelling units, sleeping areas, combines spaces, and efficiency units. A table was added to show the minimum area requirements.

****See page 18, 404.5-404.6 IPMC 2012**

Plumbing Facilities and Fixture Requirements (Chapter 5)

Addition of section 502.5 states public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the International Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

****See page 19, 502.5 IPMC 2012**

Addition of section 506.3 governs the maintenance requirements for grease interceptors and automatic grease removal devices.

****See page 20, 506.3 IPMC 2012**

Mechanical and Electrical Requirements (Chapter 6)

Addition of section 604.3.1 and 604.3.2 governs the repair and replacement of electrical systems and equipment that have been exposed to water or fire. The section lists what electrical equipment must be replaced and what the requirements are for repair after water or fire damage occurs.

****See page 22, 604.3.1 and 604.3.2 IPMC 2012**

Change/Addition in section 605.2 requires all receptacle outlets to have appropriate faceplate cover for the location.

****See page 22, 605.2 IPMC 2012**

Change/Addition in section 605.3 requires pool and spa luminaries over 15V to have GFCI protection.

****See page 22, 605.3 IPMC 2012**

Change/Addition in section 605.4 states that flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceiling.

****See page 22, 605.4 IPMC 2012**

Fire Safety Requirements (Chapter 7)

Addition of section 704.1.1 gives the code official the necessary requirements for the inspection, testing and maintenance of fire sprinklers, fire pumps, standpipes, etc. on existing buildings. This information will be useful in areas where the property maintenance inspector is the individual verifying the requirements.

****See page 25, 704.1.1 IPMC 2012**

Change/Addition in section 704.4 allows for wireless smoke alarms if all alarms sound upon activation of one alarm. It states that the Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

****See Page 26 704.4 IPMC 2012**

Boarding Standard (Appendix A)

This Appendix was added to provide minimum specifications for boarding a structure. This can be utilized by a jurisdiction as a set of requirements in order to result in a consistent boarding quality. The requirements also provide a reasonable means to eliminate having to approve numerous methods or materials for the boarding and securing of a structure. The provisions of Appendix A are not mandatory unless specifically referenced in the adopting ordinance of the jurisdiction having authority.

****See page 29, Appendix A IPMC 2012**

ORDINANCE NO. 2014-31

AN ORDINANCE AMENDING CHAPTER 1311, APPEALS, OF THE
CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO
UPDATE THE CODE

WHEREAS, the chief building official recommends the adoption of certain amendments to Chapter 1311, which governs appeals to the Board of Building and Zoning Appeals.

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

SECTION 1. That Chapter 1311, Appeals, of the Codified Ordinances of the City of Wooster, Ohio is hereby amended to read as follows:

1311.01 BOARD OF BUILDING AND ZONING APPEALS.

- (a) ~~There is hereby created a Board of Building Appeals, hereinafter referred to as the "Board".~~ The Board of Building and Zoning Appeals is hereby designated as the appeals board for any and all matters within the jurisdiction of the Division of Building Standards concerning the Minimum Housing Standards and Property Maintenance Code; one, two and three family dwellings; ~~and trade contractors' licenses,~~ except as may be otherwise specifically designated by one or more of the codes and ordinances within such jurisdiction. ~~The Board shall consist of five members appointed by the Mayor for five-year terms, except that original appointments shall be for terms of one, two, three, four and five years. Each member shall hold office from the date of appointment until the end of the term for which s/he is appointed. Within thirty days after a vacancy occurs on the Board, the Mayor shall appoint a new member to complete the unexpired term. Any member shall continue in office subsequent to the expiration date of his/her term until his/her successor takes office or until sixty days have elapsed, whichever occurs first. Continued absence from regular or special meetings of the Board shall, at the discretion of the Mayor, render the member liable for immediate removal from office. The officers of the board shall consist of a chairperson and vice chairperson.~~
- (b) ~~The Board shall adopt its own rules and regulations of procedure and keep a record of proceedings which shall show the action taken by the Board and the vote of each member present upon each question considered. Interpretations of codes made by the Board and policies established by the Board, where the same are not otherwise provided by law, shall be binding upon the Division of Building Standards. Three votes shall be required to establish every decision of the Board. No member shall act on a matter in which s/he has a financial interest.~~
- (c) ~~The Board shall meet monthly at a regular time and fixed place, except that regular monthly meetings may be canceled by the chairperson if no appeals have been filed for that month. All meetings shall be open to the public. Executive sessions of the Board shall be permitted in accordance with the Charter, but no decision of the Board shall be made in executive session other than upon internal administrative matters. Special meetings may be called by the chairperson.~~
- (d) ~~The Board shall hear and decide appeals de novo, and shall review on appeal, any order, requirement, determination or decision made by the Division of Building Standards.~~
(Ord. 1999-26. Passed 6-7-99.)

~~1311.02 ADVISORY OPINIONS.~~

~~Upon the request of the Division, the Board may render advisory opinions upon any matter within the jurisdiction of the Division and may make recommendations to the various branches and departments of the City pertaining to matters within the jurisdiction of the Board.
(Ord. 1968-34, Passed 8-5-68.)~~

1311.032 APPEAL AND REVIEW; FEE.

Any person affected by a decision of the code official or a notice or order issued under any applicable code shall have the right to appeal such decision, notice or order, provided that the appeal is filed with the Division within twenty calendar days of the day on which the decision, notice or order was served. ~~The application fee for an appeal shall be twenty-five dollars (\$25.00) and the application for appeal shall be based upon a claim that the true intent of the code or rules adopted thereunder has been incorrectly interpreted; or that the provisions of the code do not fully apply; or that the requirements of the code are adequately satisfied by other means. The Division shall transmit the file relating to the matter to the Board of Building and Zoning Appeals and shall be represented at the hearing of the appeal by a member of the Division as the Director may direct. The Division shall serve written notice, personally or by registered or certified mail, upon the appellant of the time, place and date of the hearing on the appeal, and the same shall be set for the next regular meeting of the Board of Appeals, providing that such date permits two days' notice thereof to the appellant, and providing further that the appellant may waive written notice in order to expedite hearing of the appeal. The appellant may appear and be heard in person, or by counsel. Failure to appear at the hearing shall be deemed to be a withdrawal of the appeal, unless prior thereto, the appellant has, through the Division, requested a continuance. Any order, requirement, determination or decision of the Division may be appealed, in like manner.~~

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 or its committees, in compliance with law.

SECTION 3. This Ordinance shall take effect and be in full force from and after the earliest date allowed by law.

1st reading 11-3-14 2nd reading _____ 3rd reading _____

Passed: _____, 2014 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2014

Mayor

Introduced by: Barbara Knapic

**Request for Agenda Item
Non-Capital**

Division Building Standards / Planning

Meeting Date Requested November 3, 2014

Project Name Update Housing Standards and Property Maintenance Code

☐ **Approved for Agenda**

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

We want to adopt the 2012 International Property Maintenance Code (IMPC) referenced in **Chapter 1351 Minimum Housing Standards and Property Maintenance Code**. Currently we are enforcing the 2006 International Property Maintenance Code. Also, there are related changes to the ordinances that discuss the appeals process for the Property Maintenance Code that are affected and must be changed.

The 2012 IPMC is an improvement over the 2006 version because it has more specific descriptions and requirements. There is vast improvement for identifying dangerous structures or premises and the authority of the code official in those cases. Provisions were put in place for stop work orders and alternative methods for boarding buildings that need demolished or repaired. An Appendix was created to specify the process for boarding structures. Nine definitions were added to Chapter 2. Two sections were added to Chapter 3 to provide a better way of identifying and defining unsafe exterior structure and component conditions. Occupancy limitations were updated in Chapter 4 to help ensure proper calculation for habitable living conditions. Chapter 5 added two sections to increase the safe and sanitary condition for many structures including public toilet facility maintenance and access regulations as well as grease interceptor and backflow valve regulations. These updates will help the code official be more effective when identifying and resolving property maintenance issues.

Chapter 1351 Minimum Housing Standards and Property Maintenance Code also has an appeal section. Appeals are made to the Board of Building and Zoning Appeals. Wording needs to be updated in two chapters: **Chapter 1351 Minimum Housing Standards and Property Maintenance Code** and **Chapter 1311 Appeals** (Building Code).

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

No.

Manager Requesting Tim Monea/Andrew Dutton

Date October 9, 2014

Approved for Agenda

Ord 30431

ORDINANCE NO. 2014-33

AN ORDINANCE APPROPRIATING FROM VARIOUS FUNDS
TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES
AND OTHER EXPENDITURES FOR THE CITY OF WOOSTER
FOR THE FISCAL YEAR ENDING DECEMBER 31, 2015, AND
DECLARING AN EMERGENCY

WHEREAS, the Charter of the City of Wooster provides, at §6.04, that no later than the second regular meeting of November the Mayor will prepare and present to the City Council for adoption an annual Appropriation Ordinance providing for the expenses of the municipal government for the coming fiscal year.

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

SECTION 1. That to provide for the current expenses and other expenditures of the City of Wooster for the Fiscal Year ending December 31, 2015, the following appropriations (detailed copy attached hereto) are hereby authorized.

SECTION 2. The budget approved by Council and the appropriation of funds to implement the budget represent the estimated expenditures needed to administer programs approved for the coming fiscal year. The budget is a work plan of the estimate of future needs for a given program as determined by Council when the budget is adopted.

In adopting the budget, Council recognizes that conditions may change during the fiscal year that may call for staff reductions or increases depending upon the facts in each instance.

In recognition of this fluid, constantly changing condition, the Mayor shall review requests for additional positions and for filling vacant positions within the limitations of the budget. After making a study of each request, he shall have the authority to approve, disallow or postpone such requests for additional personnel. In addition, he shall be responsible for resolving questions related to the staffing pattern of each department and division as determined by Council action on the annual budget.

Personnel requests in excess of the annual budget shall be studied and recommendations developed for the consideration of Council.

The Mayor shall be responsible for ascertaining that personnel requirements do not exceed those included or implied in the budget and/or Appropriation Ordinances.

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.

Introduced by: Jon Ansel

AN ORDINANCE AUTHORIZING THE CITY OF WOOSTER
TO ACCEPT A GIFT OF LAND FROM THE E.J. WALTER CO.

Introduced by: David Silvestri

ORDINANCE NO. 2014-35

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN
EASEMENT FOR AN ENCROACHMENT UPON THE PUBLIC
RIGHT-OF-WAY, AND DECLARING AN EMERGENCY

WHEREAS, the owner of the buildings located at 120 and 124 E. Liberty Street has initiated improvements to the buildings, which are bounded by E. Liberty Street on the north side; a 20-foot public alley on the east side; and a 10-foot public alley on the north side; and which buildings have encroached upon the public right-of-way for many years at this location, as appears in detail on the plat map attached hereto as Exhibit A; and

WHEREAS, the existing public sidewalk in front of the buildings is thirteen feet, eight inches (13'8") in width, and an easement as indicated in Exhibit A would leave sufficient room for the passage of pedestrians; and the remaining encroachments, having existed for many years, will not hinder the safe passage of pedestrian and vehicular traffic on the public alleys indicated thereon; and

WHEREAS, the Engineering Division has examined the location and determined that the encroachment will not interfere with any current municipal interest.

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

SECTION 1. That the Mayor is hereby authorized to execute an easement agreement for encroachments upon the public right-of-way of the buildings located at 120 and 124 E. Liberty Street, in accordance with the attached Exhibit A. This easement is subject to the following limitations: (1) that it will be dissolved immediately upon the destruction, dismantling or removal of any of the structures currently located thereupon; (2) and that each property owner assumes all responsibility and liability for that which it owns, erects or otherwise places upon the easement, and for damage occurring to persons or property attributable to such.

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 or its committees, 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 time is of the essence in enabling the property owner to fully establish the boundaries of the easement; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Passed: _____, 2014 Vote: _____

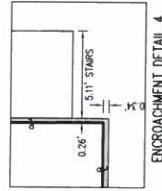
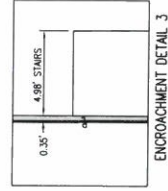
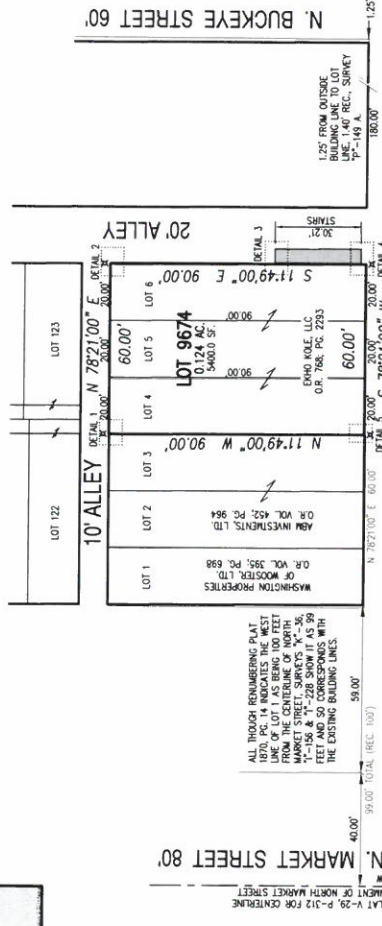
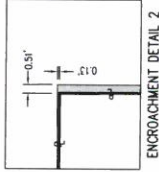
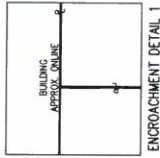
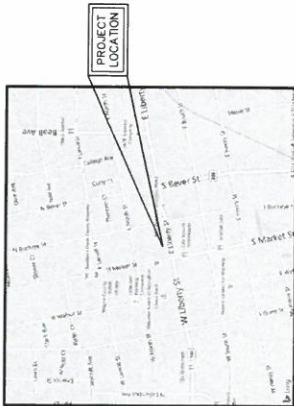
Attest: _____
Clerk of Council President of Council

Approved: _____, 2014
Mayor

Introduced by: Jon E. Ulbright

RENAJOY ALLOTMENT

BEING A REPLATING AND RENUMBERING
OF LOT NO.'S 4, 5 & 6 IN
PLAT VOL. 1870, PG. 14
CITY OF WOOSTER
WAYNE COUNTY, OHIO



- ☒ MAG NAIL FOUND 1.5' FROM LOT CORNER
- ☐ STONE FOUND

REFERENCE SURVEY:
H-248 B, 1-156, 1-228, K-36, K-147, P-149
A, UU-207, UU-350
BASIS OF BEARING:
THE BEARINGS AS SHOWN HEREON ARE
RELATIVE PLAT VOL. 28, PG. 312



Distances shown hereon are expressed in feet and decimal parts thereof, bearings are used to express angles only, iron pins are used to locate corners or set as indicated hereon. All data are believed to be correct to the best of my knowledge.

By: Mark E. Purdy, P.S. #7307 Date

SHAFFER, JOHNSTON, LICHTENWALTER
& ASSOCIATES, INC.
Consulting Engineers & Surveyors
3477 Commerce Parkway, Suite C
Wooster, Ohio 44691
TEL (330) 345-6377 FAX (330) 345-6725 EMAIL jg@sha-inc.com



DWG NO: SW-5559A JOB NO: SW-5559A SHEET 1 OF 1

E. LIBERTY STREET 80'

NOTE: SIGN ONLY IN BLACK INK. PRINT NAME BELOW ALL SIGNATURES.

Know all men by these presents that I the undersigned Owner of the land shown on this plat have caused the same to be surveyed and replatted and as shown and do hereby acknowledge the same to be my own free act and deed.

Witness my hand this ___ day of ___, 20__.

OWNERS: ENHO KOLE, LLC

Sign: _____
Print: _____
Title: _____

STATE OF OHIO SS:
COUNTY OF WAYNE

Before me, a Notary Public, in and for said county and state, personally appeared the above named Owner, who acknowledged that he did sign the foregoing plat and that the same was his own free act and deed.

this ___ day of ___, 20__

(Sign) _____
Notary Public My Commission Expires _____
(Print) _____

Approved: this ___ day of ___, 20__ Wooster City Engineer
ROGER KOBLARCSIK
Approved: this ___ day of ___, 20__ Wooster City Planning Commission
ANDREW DUTTON
Approved: this ___ day of ___, 20__ Wayne County Tax Map Office
DOUGLAS K. GREEN
this ___ day of ___, 20__ (Sign)
Wayne County Auditor's Office
(Print)
Filed for Record: this ___ day of ___, 20__ Wayne County Recorder
JANE CARMICHAEL
___ @ ___ in Vol. ___ Pg. ___

AUDITOR: _____
RECORDER: _____
TOTAL: _____

RESOLUTION NO. 2014-66

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT(S) WITH THE LOWEST AND BEST BIDDER(S) FOR THE EXTENSION OF WATER AND SANITARY SEWER LINES TO THE DAISY BRAND SITE

WHEREAS, in connection with the development of an industrial site by Daisy Brand, the City of Wooster sought and received funding from the state of Ohio to help defray the expense of extending both water and sanitary sewer lines to the Daisy site; and the full cost thereof has been budgeted for 2015.

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 advertise according to law and enter into a contract(s) with the lowest and best bidder(s) for the extension of water and sanitary sewer lines to the Daisy Brand site, in accordance with specifications on file in the office of the Director of Administration.

SECTION 2. The cost of such contract(s) will not exceed the amount budgeted for these projects.

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: _____, 2014
Mayor

Introduced by: Craig Sanders

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

Division Engineering	Meeting Date Requested November 17, 2014
Project Name Daisy Brand Sanitary Sewer Extension	Approved for Agenda
Estimated Total Cost \$ 343,000. (\$123,000 Sanitary Sewer Fund, \$220,000 CDBG Grant)	
Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded? The funds for this project will be included in the 2015 Appropriation Budget.	
Description Of Purchase This is a request to authorize advertisement and award of a contract to the lowest and best bidder for the extension of the sanitary sewer to serve the new Daisy Brand facility. This project involves the construction of approximately 3,650 linear feet of 12" PVC sanitary sewer main and 16 sanitary manholes. Resolution No. 2013-65 Application for Grant	
Justification / Benefits This project will provide sanitary sewer services to the new Daisy Brand facility.	
Will This Project Effect the City's Operating Costs This project should have no effect on the City's operating costs.	
What Alternatives Exist and What Are The Implications of The Alternatives There are no alternatives, this project will provide sanitary sewer service to Daisy Brand.	
Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons While suspension of the rules is not necessary, earlier passage would allow the opportunity to advertise and bid this project as early as possible in order to obtain the best possible bids.	
Division Manager Roger Kobilarcsik	Date November 7, 2014

Res #66

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

Division Engineering	Meeting Date Requested November 17, 2014
Project Name Daisy Brand W/L Extension	Approved for Agenda
Estimated Total Cost \$ 440,000. (\$160,000 Water Fund, 280,000 CDBG Grant)	
Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded? The funds requested for this project will be included in the 2015 Appropriation Budget.	
Description Of Purchase This is a request to authorize advertisement and award of a contract to the lowest and best bidder for the extension of the W/L to serve the new Daisy Brand facility. The project involves the construction of approximately 4,250 linear feet of 12" ductile iron W/L, 8 fire hydrants, 13 main line valves and 3 air release vaults. Resolution No. 2013-65 Application for Grant	
Justification / Benefits This project will provide water to the new Daisy Brand facility.	
Will This Project Effect the City's Operating Costs This project should have no effect on the City's operating costs.	
What Alternatives Exist and What Are The Implications of The Alternatives There are no alternatives, this project provides water service for Daisy Brand.	
Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons While suspension of the rules is not necessary, earlier passage would allow the opportunity to advertise and bid this project as early as possible in order to obtain the best possible bids.	
Division Manager Roger Kobilarcsik	Date Novemeber 7, 2014

Res#66

RESOLUTION NO. 2014-67

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR RESURFACING PORTIONS OF E. LIBERTY STREET AND PITTSBURGH AVENUE

WHEREAS, it is necessary to resurface a portion of E. Liberty Street, between Bever Street and Spink Street, and a portion of Pittsburgh Avenue, from the railroad tracks at Theodore Street to Bauer Road, and the full cost thereof has been budgeted for 2015.

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 advertise according to law and enter into a contract with the lowest and best bidder for resurfacing portions of E. Liberty Street and Pittsburgh Avenue, in accordance with specifications on file in the Office of the Director of Administration.

SECTION 2. The cost of such contract/project will not exceed the amount budgeted for this project.

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

SECTION 4. This Resolution 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: _____, 2014
Mayor

Introduced by: Jon E. Ulbright

Request for Agenda Item Supporting Information and Details

Division: Engineering	Meeting Date Requested: November 17, 2014
Project Name: E. Liberty Street and Pittsburg Avenue Resurfacing	Approved for Agenda
Estimated Total Funds/Cost: \$450,000. (ODOT Larger City Funds \$332,000, City's General Fund \$83,000, Wayne County Engineer \$35,000)	
Is Full Amount Budgeted/Accounted for? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
What are the funding implications, if any? Funding for this project will be included in the 2015 Appropriation Budget.	
Description Of Request: 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 E. Liberty Street from Bever Street to the railroad tracks at Spink Street and Pittsburg Avenue between the railroad tracks at Theodore Street to the bridge just east of Bauer Road. The project will mill the existing surface, adjust manholes and water valve boxes to grade, and place new asphalt and pavement markings. Council has already passed the cooperative agreement with ODOT for this project (Resolution 2014-15 Cooperative Agreement). The Wayne County Engineer will be participating in this project since a small section of roadway is in the county.	
Justification / Benefits: This road has been scheduled for resurfacing in 2015. This legislation will allow the City to remain on ODOT's schedule.	
Will This Project Effect the City's Operating Costs: This project should reduce maintenance costs by repairing deteriorating roads.	
What Alternatives Exist and What Are The Implications of The Alternatives: Do nothing, and continue to patch holes as best as possible.	
Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A If Yes, Explain The Circumstances	
Are You Requesting Suspension Of The Rules <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Explanation: While suspension of the rules is not necessary, earlier passage would allow the City to meet ODOT's completion schedule.	
Division Manager Roger Kobilarcsik	Date November 7, 2014

Res # 67

RESOLUTION NO. 2014-68

A RESOLUTION AUTHORIZING AGREEMENTS WITH VARIOUS
APPLICANTS FOR THE USE OF ECONOMIC DEVELOPMENT
MONIES

WHEREAS, economic development serves important community interests by providing commercial and industrial development, thus improving the municipal tax base; and

WHEREAS, in an effort to improve the tax base, this City Council dedicated a portion of the proceeds from the transient occupancy tax toward entities which would utilize the monies for economic development purposes; and

WHEREAS, after reviewing applications from interested parties, the Council hereby recommends that awards be made to three applicants, subject to the execution of agreements on the use of funds.

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

SECTION 1. That after deduction of the administrative charges provided in W.C.O. §1705.02(a) (1), the economic development funds are hereby appropriated and awarded for 2015 to the following entities, and in the following increments:

- (a) Of the first \$50,000
- | | |
|---|-------|
| Main Street Wooster | 57.5% |
| Wooster Area Chamber of Commerce | 37.5% |
| Wayne County Convention and Visitors Bureau | 5.0% |
- (b) Of all funds over \$50,000
- | | |
|---|-----|
| Main Street Wooster | 50% |
| Wooster Area Chamber of Commerce | 30% |
| Wayne County Convention and Visitors Bureau | 20% |

SECTION 2. Subject to the execution by each entity of an agreement on the use of funds, and also to the availability of funds, the Director of Finance is hereby authorized to issue payment to each entity in the designated amount.

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

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

Passed: _____, 2014

Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2014

Mayor

Introduced by: Jon Ansel