

CITY COUNCIL AGENDA

November 5, 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

VI. OLD BUSINESS

1. Second Reading - ORDINANCE NO. 2012-27 AMENDING CHAPTER 539, PARK REGULATIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO BRING CERTAIN PROVISIONS IN-LINE WITH RECENT OHIO SUPREME COURT CASE LAW, AND DECLARING AN EMERGENCY (Knapic)

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2012-28 ACCEPTING APPLICATION FOR THE ANNEXATION OF TERRITORY LOCATED ON THE EAST SIDE OF GEYERS CHAPEL ROAD, SOUTH OF ITS INTERSECTION WITH BACK ORRVILLE ROAD, AND CONTIGUOUS TO THE CORPORATION LIMITS (Richard R. Benson, Esq., Agent for Petitioner the Wooster Growth Corporation) (Knapic)
2. First Reading - ORDINANCE NO. 2012-29 AUTHORIZING THE MAYOR TO TRANSFER FUNDS IN ACCORDANCE WITH SECTION 6.05 OF THE CHARTER OF THE CITY OF WOOSTER, OHIO (Ansel)
3. First Reading - ORDINANCE NO. 2012-30 AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Ansel)
4. First Reading - RESOLUTION NO. 2012-97 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO RENEW AN AGREEMENT WITH WOOSTER TOWNSHIP FOR THE HOUSING, OPERATION AND MAINTENANCE OF A FIRE TRUCK AT WOOSTER FIRE STATION #1; AND FOR FIREFIGHTING ASSISTANCE IN THE VICINITY OF PRAIRIE LANE, AND DECLARING AN EMERGENCY (Steiner)
5. First Reading - RESOLUTION NO. 2012-98 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE VEHICLES IN ACCORDANCE WITH THE CAPITAL PLAN FOR 2012 (Steiner)
6. First Reading - RESOLUTION NO. 2012-99 AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR SERVICES RENDERED UNDER CONTRACT(S) WITH VENDORS OR FOR SERVICES PROVIDED TO THE MUNICIPALITY (Ansel)
7. First Reading - RESOLUTION NO. 2012-100 AUTHORIZING AGREEMENTS WITH VARIOUS APPLICANTS FOR THE USE OF ECONOMIC DEVELOPMENT MONIES
8. First Reading - RESOLUTION NO. 2012-101 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE DESIGN OF IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT THAT ARE REQUIRED IN CONNECTION WITH RECENTLY-ISSUED FINDINGS AND ORDERS FROM OHIO EPA (Sanders)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

ORDINANCE NO. 2012-27

AN ORDINANCE AMENDING CHAPTER 539, PARK REGULATIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO BRING CERTAIN PROVISIONS IN-LINE WITH RECENT OHIO SUPREME COURT CASE LAW, AND DECLARING AN EMERGENCY

WHEREAS, the Supreme Court of Ohio recently decided two cases, the holdings of which declared that a state statute providing that only federal or state regulations could limit an Ohioan's individual right to bear arms was a "general law" that displaced municipal firearm ordinances and did not unconstitutionally infringe on municipal home-rule authority; and

WHEREAS, the penalty for a violation thereof includes the potential for an award of costs and attorney fees to any party challenging such an ordinance, such that it is advisable to amend or repeal any such Wooster ordinances.

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

SECTION 1. That Chapter 539, Park Regulations, of the Codified Ordinances of the City of Wooster, Ohio is hereby amended at Section 539.03, FIREARMS, FIREWORKS, EXPLOSIVES, BOWS AND ARROWS, to read as follows:

539.03 ~~FIREARMS, FIREWORKS, EXPLOSIVES, BOWS AND ARROWS.~~

(a) No person, ~~except a law enforcement officer,~~ shall carry ~~firearms of any description, or an air or gas gun, slingshot or missile-throwing device within any park or building, or discharge any firearm, firework, explosive, or air or gas gun in any park or building; provided that this section shall not apply to the discharge or possession of a firearm for show or memorial purposes where no projectile is discharged, and for which the Director of Administration has issued a permit.~~

- (b) [No change]
(c) [No change]

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 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 to implement this amended ordinance in order to bring a local ordinance in-line with Ohio Supreme Court case law; 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 Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 10-15-12 2nd reading _____ 3rd reading _____

Passed: _____, 2012 Vote: _____

Attest: _____ Clerk of Council _____ President of Council

Approved: _____, 2012 _____ Mayor

Introduced by: Barbara A. Knapic

PETITION FOR ANNEXATION

To: The Board of County Commissioners of Wayne County, Ohio

Date: June 6, 2012

The Wooster Growth Corporation, through its duly authorized president, as owner of real estate in Wayne Township, hereby petitions, pursuant to RC §709.02, for the annexation of the following described territory to the City of Wooster, Wayne County, Ohio:

[Please see "*Annexation Description*", attached hereto as Exhibit A]

The aforementioned territory, all of which is owned by the petitioner, is adjacent and contiguous to the said City of Wooster.

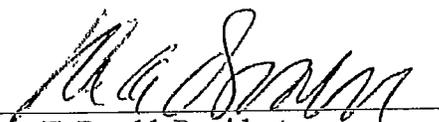
Petitioner has attached hereto and made a part hereof a map showing the boundaries of the territory sought to be annexed marked "*Proposed Annexation of the Wooster Growth Corporation Property*" (attached hereto as Exhibit B).

Richard R. Benson, Jr., legal counsel for the Wooster Growth Corporation, being duly appointed to prosecute the proceedings on behalf of the corporation, is hereby appointed agent for all of the undersigned Petitioners in securing said annexation, and has full power and authority as therein granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area, and to do any and all things essential thereto and to take action as may be necessary for obtaining the granting of this petition.

Said amendment, alteration, change, correction, withdrawal, refile, substitution, compromise, increase or deletion or other things or actions for the granting of this petition shall be made in the petition, description or map by said agent, without the further expressed consent of the Petitioner.

The total number of owners of real estate in the above-described territory is one.

Petitioner:



Margo E. Broehl, President
Wooster Growth Corporation

RECEIVED
WAYNE COUNTY
COMMISSIONERS OFFICE
2012 JUN -1 P 11:33

**“EXHIBIT A”
Annexation Description**

Situated in the Township of Wayne, County of Wayne and State of Ohio:

Known as being a part of the northwest part of the Southwest Quarter of Section 36, Township 16, Range 13, more fully described as follows:

COMMENCING at a stone marking the northwest corner of the Southwest Quarter of Section 36, Township 16, Range 13; Thence South 02° 30' West along the west line of said section four hundred forty (440) feet to a railroad spike set (witnessed by an iron pin set twenty-five (25) feet East) the PLACE OF BEGINNING;

THENCE WITH THE FOLLOWING FOUR (4) COURSES:

- 1) Thence South 87° 30' East Two Hundred Seventy-Three and Seven Tenths (273.7) feet to an iron pin;**
- 2) Thence North 02° 30' East parallel to the West section line One Hundred Ten (110) feet to an iron pin;**
- 3) Thence 87° 30' West parallel to the South line of said lot Two Hundred Seventy-three and seven tenths (273.7) feet to a railroad spike set on the West section line (witnessed by an iron pin set twenty-five (25) feet East);**
- 4) Thence South 02° 30' West along the West section line One Hundred Ten (110) feet to the PLACE OF THE BEGINNING.**

This tract contains 0.69 of an acre.

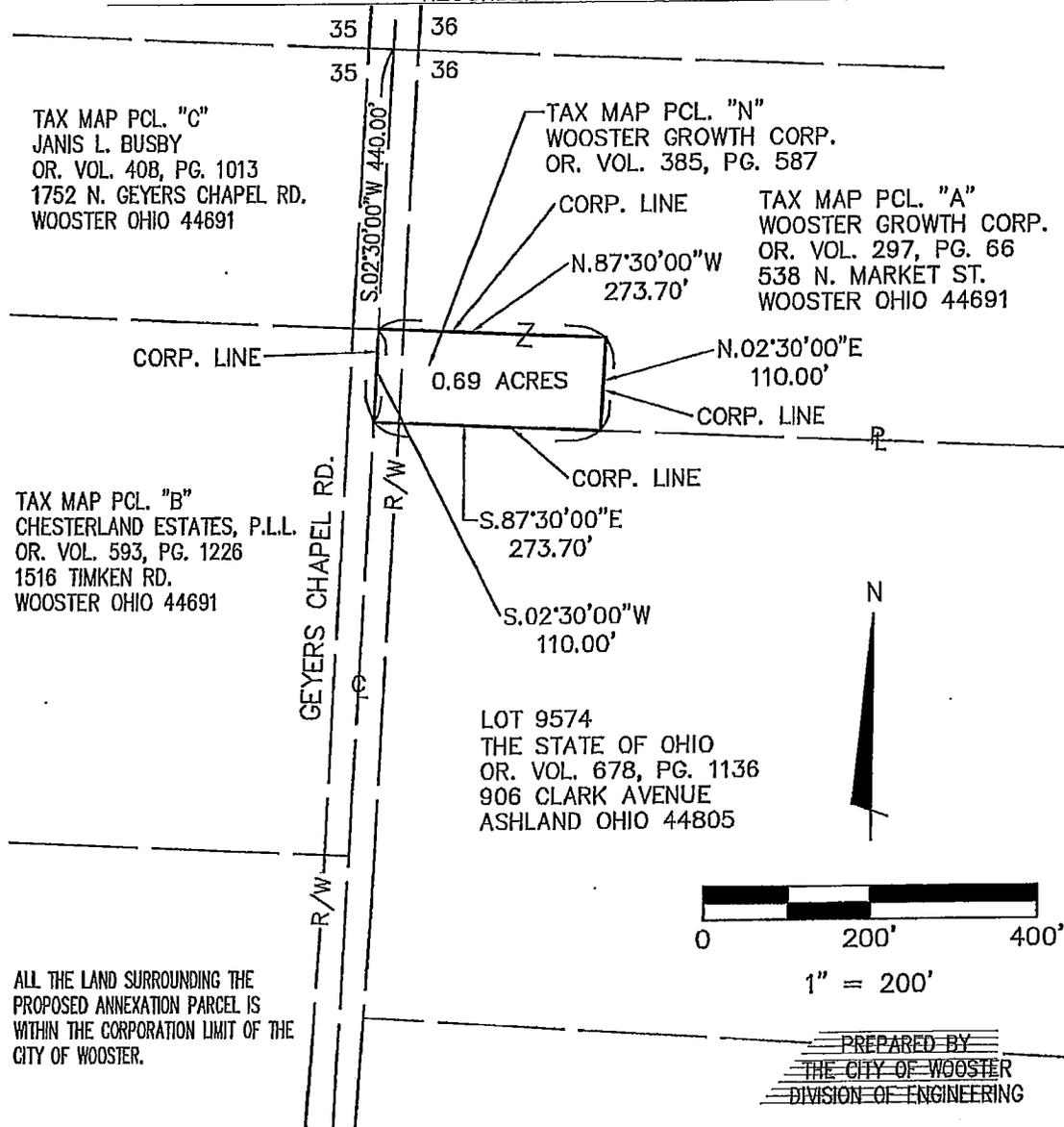
See Wayne County Survey Records Volume “P”, Page 406 for survey records.

Wayne County Auditor’s PARCEL NUMBER: 53-01083.000

"EXHIBIT B"

PROPOSED ANNEXATION
WOOSTER GROWTH CORPORATION

SITUATED IN THE COUNTY OF WAYNE, STATE OF OHIO AND BEING
KNOWN AS A PART OF THE SOUTHWEST QUARTER OF SECTION 36,
WAYNE TOWNSHIP, TWP.-16N, RNG.-13W AND BEING A PART OF A
PARCEL OF LAND OWNED BY WOOSTER GROWTH CORPORATION, AS
RECORDED IN OR. VOL. 385, PG. 587 OF THE WAYNE COUNTY
RECORDER'S OFFICE.



INTEROFFICE MEMORANDUM

TO: CITY COUNCIL
FROM: ANDREI DORDEA 
SUBJECT: BUDGET TRANSFER FOR PURCHASE OF WATER METERS
DATE: OCTOBER 26, 2012
CC: ADMINISTRATION

During the 2010 Charter Amendment process, Section 6.05 of the Wooster City Charter was amended to state "Upon written request by the Mayor, Council may by ordinance transfer part or all of any unencumbered appropriation balance from one department to another, or from one division to another in accordance with law." Prior to this change, the Mayor was authorized to transfer money between divisions within departments. A situation has presented itself where we need to seek your authorization to transfer monies within the same funds in order to make a purchase previously approved by Council.

Resolution 2012-85 authorized the Administrator of Public Works the authority to bid for water meters. To make this purchase of water meters, the following transfer is necessary:

\$70,000 from Water Plant cost center (Utilities) to Water Meter Maintenance cost center (Public Properties Maintenance).

In order to account for City activities as efficiently as possible, certain items within our budget are allocated between cost centers and funds at year-end, as opposed to direct costing these items throughout the year. Water meters are one of these items. Water meters are purchased 100% from the Water Fund, and then are allocated at year-end 50% to the Water Fund and 50% to the Sewer Fund, as the information transmitted by water meter units are used to produce billings for both water and sewer fund utilities. With the purchase of these additional meters, it is necessary to increase the budgeted amount of Sewer Fund Overhead Allocation in order to cover the additional overhead expense at year-end.

For this reason, it is also requested to transfer: \$35,000 from Water Pollution Control Biotower (Utilities) to Water Pollution Control Fund Overhead Allocation Cost Center (Finance).

Should you have any questions or comments don't hesitate to contact me (Bus.: 330.263.5225, Mobile: 330.845.0130, E-Mail: adordea@woosteroh.com, or Home: 330.263.5440).

Request for Agenda Item Non-Capital

Division Meeting Date Requested

Project Name Approved for Agenda

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

Wooster City Services accepts electronic payments for the payment of utility bills. Each month we are charged a percentage of the amount paid by our payment gateway. This program has grown greater than anticipated this year thus we have exhausted the amount of funds requested in the budget for these fees.

The amount needed to finish this year is estimated to be \$25,000.00 dollars. Fees are currently approximately \$6,100.00 per month. Through September we have spent approximately \$33,000.

We are asking to appropriate \$25,000 from the unappropriated balance in the water fund to the utility billing cost center in the water fund.

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

Yes, we only have funds available to pay one more month's fees.

Manager Requesting

Date

Approved for Agenda

RESOLUTION NO. 2012-97

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO RENEW AN AGREEMENT WITH WOOSTER TOWNSHIP FOR THE HOUSING, OPERATION AND MAINTENANCE OF A FIRE TRUCK AT WOOSTER FIRE STATION #1; AND FOR FIREFIGHTING ASSISTANCE IN THE VICINITY OF PRAIRIE LANE, AND DECLARING AN EMERGENCY

WHEREAS, Wooster Township provides fire protection throughout the township and adjacent townships, and has need of a central location at which to maintain a fire truck for rapid response to emergencies, as well as assistance in manning such vehicle; and

WHEREAS, the City of Wooster has had such an agreement with Wooster Township for more than forty (40) years; has sufficient space and resources to provide such assistance without affecting the services of the Wooster Fire Division; and is committed to assisting other local government entities wherever possible;.

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 an agreement with Wooster Township for the housing, operation and maintenance of a fire truck at Wooster Fire Station #1; and for firefighting assistance in the vicinity of Prairie Lane. Such agreement may include, but not be limited to, the following: (1) term of one year, commencing January 1, 2013; (2) City to house and maintain one township fire truck at Wooster Fire Station #1, and provide two regular firefighters to operate said truck; (3) Township to pay City a reasonable charge as and for costs of space, maintenance and manning; (4) City to pay Township a reasonable charge for mutual aid EMS provided by Township to City; (5) Township to provide fire suppression services to the vicinity of Prairie Lane; and (6) such other terms as the Director of Administration deems necessary and advisable.

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, and for the further reason that prompt action is necessary to renew the agreement prior to the termination of the current agreement on December 31, 2012; 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: 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 Fire Division would like to renew the automatic aid agreement with Wooster Twp. Fire Department. The contract will be good for 1 year starting January 1, 2013 and expiring on December 31, 2013. This is a long standing agreement between both entities.

Please see attached documents.

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

Manager Requesting

Date

Approved for Agenda

Res #97

RESOLUTION NO. 2012-98

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE VEHICLES IN ACCORDANCE WITH THE CAPITAL PLAN FOR 2012

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

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

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

CAPITAL IMPROVEMENTS FUND:

Police Division:

- One Chevrolet Caprice police cruiser (replaces one Ford Crown Victoria cruiser that has extensive time and mileage usage)

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

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

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

SECTION 4. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Introduced: _____ Passed: _____ Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2012
Mayor

Introduced by: Jeffrey A. Steiner

RESOLUTION NO. 2012-99

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 city, in cooperation with Main Street Wooster, has established a fund known as the Downtown Beautification Fund, by which monies are donated for the beautification of the downtown area with plantings and the maintenance thereof; 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: J&P Swingle Mechanical Contractors, Inc., in the amount of \$3,760.58, payable from the Water Pollution Control Fund for the cost of repairs to the sanitary sewer line serving a property on Buckeye Street.

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

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

Introduced: _____ Passed: _____ Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2012

Mayor

Introduced by: Jon Ansel

RESOLUTION NO. 2012-100

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 2013 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: _____, 2012 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2012
Mayor

Introduced by: Jon Ansel

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

Division Engineering/Utilities	Meeting Date Requested Nov. 5, 2012
Project Name WPCP Improvements Design Services	Approved for Agenda
Estimated Total Cost \$445,000	
Is Full Amount Budgeted <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If No, How Is The Purchase To Be Funded? The 2012 Sewer Plant Budget included funding for sludge, biotower operations and EPA compliance related items that will be used for these services, however, additional monies will need to be appropriated from the Sewer Fund for these services.	
Description Of Purchase: This is a request to enter into a contract with a qualified, engineering consultant, specializing in wastewater treatment, to perform engineering design services for improvements to the WPCP. The proposed improvements are the result of a comprehensive evaluation of the WPCP required by the Findings and Orders issued by the Ohio EPA.	
Justification / Benefits The WPCP evaluation and capabilities study revealed that there are major deficiencies in the treatment process that severely limit in the plants ability to consistently meet Ohio EPA NPDES permit requirements. The study found that over \$6,350,000 in improvements are needed at the WPCP. These improvements include solids processing improvements, aeration improvements, settling tank improvements, FOG removal process improvements and other operational related improvements. This design contract is required in order to comply with EPA NPDES permit requirements to make improvements to the WPCP. The firm selected for these services will be selected using the City's professional services selection criteria, and will be based on knowledge and background in this area, knowledge of the City's treatment facilities, and their ranking as one of the top firms on the City Engineering services registry.	
Will This Project Effect the City's Operating Costs The full amount of this expenditure was not budgeted, therefore, some funds will need to be appropriated from the Sewer Fund. Findings and Orders were not issued until February of 2012, therefore we could not budget for these costs.	
What Alternatives Exist and What Are The Implications of The Alternatives The EPA Findings & Orders require the City to make improvements to the plant and meet NPDES permit limits. Any construction or process alternative will require engineering design services.	
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 an engineering services contract, which allows the City to select a firm based on qualifications.	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Note Reasons While not final, indications from EPA are that the City will need to have a plan for improvements submitted to EPA within the next 4 months. In addition, some of the funding options being evaluated for some of the alternatives have a commitment date for beginning construction within 3 months after July, 2012.	
Division Manager Joel Montgomery	Date Nov. 1, 2012

Res #101