

## **CITY COUNCIL AGENDA**

**October 7, 2013**

**7:30 p.m.**

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

### **I. ROLL CALL & ORDERING OF AGENDA**

### **II. APPROVAL OF MINUTES**

### **III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

1. Memorandum from the Mayor requesting approval for re-appointing Mr. Reg Kramer to the Civil Service Commission.

### **IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**

### **V. COMMITTEE REPORTS; PUBLIC HEARINGS**

### **VI. OLD BUSINESS**

1. Third Reading – ORDINANCE NO. 2013-37 AN ORDINANCE AMENDING CHAPTER 155, DESIGN AND REVIEW BOARD, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY THE ADOPTION OF VARIOUS TEXT AMENDMENTS (Knapic)

### **VII. NEW BUSINESS**

1. First Reading – RESOLUTION NO. 2013-83 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR PROPERTY AND GENERAL LIABILITY INSURANCE FOR THE MUNICIPAL GOVERNMENT (Ansel)
2. First Reading – RESOLUTION NO. 2013-84 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE VEHICLES IN ACCORDANCE WITH THE CAPITAL PLAN FOR 2013 (Ulbright)
3. First Reading – RESOLUTION NO. 2013-85 A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR SERVICES RENDERED UNDER CONTRACTS WITH VARIOUS VENDORS, AND DECLARING AN EMERGENCY. (Ansel)

### **VIII. MISCELLANEOUS**

### **IX. ADJOURNMENT**

# Memo

**To:** Members of Wooster City Council

**From:** Mayor Bob Breneman

**Date:** October 7, 2013

**Re:** Boards and Commissions

*RFB*  
*7*

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In compliance with the City of Wooster's Codified Ordinances and in keeping our boards and commissions at full membership, which are an active part of our city governance, I am recommending the following individual be reappointed:

**CIVIL SERVICE COMMISSION**

Reg Kramer

Ward

4

Term-6 yrs.

01/01/14-12/31/19

Thank you for your consideration.

ORDINANCE NO. 2013-37

AN ORDINANCE AMENDING CHAPTER 155, DESIGN AND REVIEW BOARD, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY THE ADOPTION OF VARIOUS TEXT AMENDMENTS

WHEREAS, the Wooster Design and Review Board, on its own motion, directed the city planner to review and recommend various proposed text amendments to Chapter 155, Design and Review Board, in an effort to update that chapter (which was last updated in 1995); and

WHEREAS, the Design and Review Board considered the proposed amendments at its meeting on August 14, 2013 and recommended the **approval** thereof.

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

SECTION 1. That Chapter 155, Design and Review Board, of the Codified Ordinances of the City of Wooster, is hereby amended to read in accordance with the attached Exhibit A.

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 force from and after the earliest date allowed by law.

1st reading 9-3-13 2nd reading 9-16-13 3rd reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2013 Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2013  
Mayor

Introduced by: Barbara A. Knapic

**CHAPTER 155**  
**Design and Review Board**

155.01	<del>Definitions.</del> <i>Purpose.</i>	155.057	Designation of Landmarks and
155.02	<del>Establishment and</del>		Landmark Districts.
	<del>organization.</del> <i>Definitions.</i>	155.068	Record of Landmarks.
155.03	<del>Purpose.</del> <i>Establishment</i>	<del>155.07</del>	<del>Regulation of building or</del>
	<i>and organization.</i>		<del>environmental change or</del>
155.04	<del>Financial interest of</del>		<del>rehabilitation.</del>
	<del>members.</del> <i>Meetings and</i>	<del>155.08</del>	<del>Additional powers and duties.</del>
	<i>procedure.</i>	155.09	Changes not prohibited.
155.05	<i>Powers and duties.</i>	155.10	<i>Appeals of the Design Review</i>
155.06	<i>Certificate of</i>		<i>Board's decision.</i>
	<i>Appropriateness.</i>	155.9911	Penalty.

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**155.01 PURPOSE.**

(a) The purpose of the ~~Design and Review Board~~ *this Chapter is to provide a means for the* designation and protection of Landmarks and Landmark Districts in the City of Wooster (*hereinafter referred to in this Chapter as the "City"*) pursuant to the procedures hereinafter described, in order to preserve, protect, and perpetuate places, buildings, structures, works of art, and other objects having a special historical, community, or aesthetic interest or value, all for the reasons described below:

- (a1) To safeguard the heritage of the City by preserving sites and structures which reflect elements of the City's cultural, social, economic, political, *archeological*, or architectural history;
- (b2) To stabilize and improve property values;
- (c) ~~To protect and enhance the City's attractions to residents, visitors and tourists, and serve as a support and stimulus to business;~~
- (d3) To enhance the visual and aesthetic character, diversity and interest of the City;
- (e4) To foster civic pride in the beauty and notable accomplishments of the past;
- (f5) To promote the use and preservation of historic *and archeological* sites and structures for the education and general welfare of the people of the City; *and*
- (g) ~~To strengthen the economy of the City; and~~
- (h6) To take ~~whatever steps as may be necessary~~ *measures* to safeguard the property rights of the owners whose property is declared to be a "Landmark" or is located in an area designated as a "Landmark District".

- (b) *The requirements of this Chapter shall be met in addition to the established requirements and standards of the other applicable ordinances of the City; and*
- (c) *Where conflicts exist between requirements of this Chapter and other ordinances adopted by Council, the strictest interpretation shall apply and thereby supersede the less strict requirement.*

#### **155.042 DEFINITIONS.**

*As used in For the purpose of this Chapter, the following terms shall have the meaning herein indicated:*

- (a) *"Alteration". means any design, material or color change to the external architectural features of any Landmark structure or any structure located within a Landmark District or site. Any exterior design, material, or color modification to features of a structure or site element.*
- (b) *"Building change". means aAny alteration, demolition, removal or construction (as those terms are defined herein) involving a Landmark structure or any structure which is located within a Landmark District to a building or structure.*
- (c) *"Certificate of Appropriateness". A certificate issued by the Design and Review Board pursuant to the applicable provisions of this Chapter authorizing an exterior building or site change involving any structure or site element designated as Landmark or located within a Landmark District.*
- (ed) *"Construction". means tThe erection of a new structures in Landmark Districts or on the sites of Landmark structures, as well as, a new site element or an additions to existing Landmark structures.*
- (de) *"Demolition". means tThe substantial deterioration or complete or substantial partial removal or destruction of any Landmark structure or any structure which is located within a Landmark District or site element.*
- (ef) *"Environmental Site element change". means any change to the site surrounding a Landmark structure or within a Landmark District, including, but not limited to, fences, signage, and major landscaping. Any alteration, demolition, or construction (as those terms are defined herein) to a site element.*
- (fg) *"Landmark". means any structure which has historic significance; or which represents a period or style of architecture typical of one or more eras in the City's history, and including the site thereof Any building, site element, structure, or property designated as a "Landmark" by ordinance of the City Council, according to the criteria and pursuant to the procedures prescribed in Section 155.07.*
- (gh) *"Landmark District". means any area that contains structures which: An area designated as a "Landmark District" by ordinance of the City Council, according to the criteria and pursuant to the procedures prescribed in Section 155.07.*
  - (1) — Have historic significance;
  - (2) — Represent one or more periods or styles of architecture typical of one or more eras in the City's history, or represent an assemblage of structures important to the City's history;
  - (3) — Cause such area, by reason of such factors, to constitute an identifiable area; and

- (4) ~~Have been designated as a Landmark District pursuant to this chapter's provisions.~~
- (hi) "Rehabilitation". ~~means~~ ~~†~~The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.
- (j) Repair. *The ordinary maintenance to correct any deterioration, decay or damage to all, or a portion of, a structure or site element which restores the element to its original state as nearly as practicable.*
- (ik) "Removal". ~~means~~ ~~†~~The deletion of ~~any exterior architectural feature~~ ~~a feature located upon or composing a structure or site element from a Landmark structure or from any structure which is located within a Landmark District.~~
- (l) Site element. *Significant objects or features, excluding structures, located on a property including, but not limited to, walkways, signage, railings and independent lighting features.*
- (m) Structure. *Anything constructed or erected that requires a fixed location on the ground or attachment to something having a fixed location on the ground including, but not limited to, buildings, sheds, gazebos, walls, fences, patios, platforms, or driveways.*

#### 155.023 ESTABLISHMENT AND ORGANIZATION.

- (a) There is hereby established the Wooster Design and Review Board (hereinafter referred to *in this Chapter* as the "Board"). The Board shall consist of seven (7) members appointed by the Mayor in accordance with the provisions of the Charter. Such members shall serve without compensation and shall not otherwise be employed by or appointed to any other Wooster municipal office.
- (b) *Members of the Board shall all demonstrate special interest, experience or knowledge in history, architecture or related disciplines.* Membership of the Board should include:
- (1) ~~two~~ *Three (3)* members owning or possessing an interest in property coming under the jurisdiction of the Board; ~~a professional realtor;~~
  - (2) ~~†Two (2)~~ *Two (2)* members representing the disciplines of ~~local history;~~ architecture, ~~design,~~ *architectural history*, history, *archeology*, ~~or~~ planning, *or related disciplines*; and
  - (3) ~~†Two (2)~~ *Two (2)* other members selected at the discretion of the Mayor.
- (c) Board Terms. A term of appointment to the Board shall be for three (3) years. Initially, three (3) members shall be appointed for a full term; two (2) members shall be appointed for two (2) years; and two (2) members shall be appointed for one (1) year. Thereafter, appointments ~~will~~ *shall* be for a full term, and vacancies will be filled for *the remainder of* an unexpired term. In accordance with § Section 4.06 of the Charter, no member shall serve for more than twelve (12) consecutive years.

#### 155.04 MEETINGS AND PROCEDURES.

- (a) ~~As soon as convenient following their appointment to the Board, the members shall meet and organize and elect a Chairperson and Vice Chairperson. Meetings~~

shall be held once each month, unless the Mayor or designee informs the Chairperson that there are no pending applications for that month. *The Board shall meet a minimum of four (4) times each calendar year.*

- (b) Four (4) members shall constitute a quorum for conducting business. Any action of the Board shall require the concurrence of a majority of the membership.
- (c) The *Board shall* meeting in January ~~every~~ *each* year ~~shall be the meeting for the selecting~~ *on of* a Chairperson and Vice Chairperson and for setting a regular monthly meeting date for that year. *Vacancies shall be filled within sixty (60) days, unless extenuating circumstances require a longer period.*
- (d) *All meetings shall be open to the public and a schedule of regular meeting dates, times and locations shall be available to the public prior to the meeting date. Meeting agendas shall be made available to the public prior to such meeting.*
- (e) *If a Board member has a conflict of interest regarding an application under consideration by the Board, the member shall step down while the issue is being heard, considered and voted upon.*
- (f) *The Board shall have the ability to establish its own rules of procedure that shall be made available to the public*
- (g) *A written annual report of all activists, cases, decisions, special projects and qualifications of Board members shall be kept on file and made available to the public.*

#### **155.03 PURPOSE.**

The purpose of the Design and Review Board is to designate and protect Landmarks and Landmark Districts in the City pursuant to the procedures hereinafter described, in order to preserve, protect, and perpetuate places, buildings, structures, works of art, and other objects having a special historical, community, or aesthetic interest or value, all for the reasons described below:

- (a) ~~To safeguard the heritage of the City by preserving sites and structures which reflect elements of the City's cultural, social, economic, political or architectural history;~~
  - (b) ~~To stabilize and improve property values;~~
  - (c) ~~To protect and enhance the City's attractions to residents, visitors and tourists, and serve as a support and stimulus to business;~~
  - (d) ~~To enhance the visual and aesthetic character, diversity and interest of the City;~~
  - (e) ~~To foster civic pride in the beauty and notable accomplishments of the past;~~
  - (f) ~~To promote the use and preservation of historic sites and structures for the education and general welfare of the people of the City;~~
  - (g) ~~To strengthen the economy of the City; and~~
  - (h) ~~To take whatever steps as may be necessary to safeguard the property rights of the owners whose property is declared to be a "Landmark" or is located in an area designated as a "Landmark District".~~
- (Ord. 1995-35. Passed 11-20-95.)

#### **155.04 FINANCIAL INTEREST OF MEMBERS.**

No member of the Design and Review Board shall participate in the review of any item for discussion before such Board if such member has any direct financial interest in the property involved in such discussion. (Ord. 1995-35. Passed 11-20-95.)

#### **155.07 REGULATION OF BUILDING OR ENVIRONMENTAL CHANGE OR REHABILITATION.**

- (a) — No person owning, renting or occupying property which has been designated a Landmark or which is situated in a designated Landmark District shall make any environmental or building change or rehabilitation in such property without first obtaining of the Design and Review Board with respect to such building or environmental change or rehabilitation.
- (b) — The following procedures shall apply to all environmental or building changes or rehabilitation of such property in the City applications for:
  - (1) — Any application to the Building Standards Division for a building permit for an environmental or building change or rehabilitation shall be promptly forwarded to the Board, together with copies of all detailed plans, designs, elevations, specifications and documents relating thereto, for consideration at the next regularly scheduled meeting thereafter. An application may be filed by the applicant directly with the Board at the same time that an application for a building permit is filed or in lieu of filing for a building permit, if no building permit is required for the proposed building or environmental change or rehabilitation.
  - (2) — If the Board finds that the building or environmental change or rehabilitation proposed by the applicant:
    - A. — Will not adversely affect any significant historical or aesthetic feature of the property and is appropriate and consistent with the spirit and purposes of this chapter and the "Standards for Rehabilitation" adopted by the U.S. Secretary of the Interior, as found in Title 36 of the Code of Federal Regulations, Part 1208 (formerly 36 CFR Part 67); or
    - B. — Will remedy conditions imminently dangerous to life, health or property, as determined in writing by the Chief Building Official, the Fire Chief or the Wayne County Health Department; then the Board shall approve the application.
  - (3) — If the Board finds that the building or environmental change or rehabilitation proposed by the applicant will adversely affect any significant historical or aesthetic feature of the property, or is inappropriate or inconsistent with the spirit and purposes of this chapter, the Board shall disapprove the application and so advise the applicant and the Building Standards Division in writing within sixty (60) days after receiving the application.
  - (4) — If it disapproves the application, the Board shall have the power to impose and enforce a waiting period of up to six (6) months from the date of its notice of disapproval, during which period the Board shall conduct

negotiations with the applicant and any other party in an effort to find a means of preserving the property as follows:

A. — With respect to an application involving an alteration, the Board and the applicant shall work together during such period to find a mutually agreeable method of completing the proposed building or environmental change or rehabilitation.

B. — With respect to an application involving a demolition, removal or construction, the Board, in its discretion, may extend the original waiting period of six (6) months by no more than an additional six (6) months. During such period, the Board and the applicant shall undertake meaningful and continuing discussions for the purpose of finding a method of saving such Landmark. The Board shall also investigate the feasibility of all available ways and means of preserving the Landmark, including, without limitation, inducing by contract or other consideration the creation of covenants restricting the use of the property; leasing and subleasing the property for the purposes of preservation; and acquiring by eminent domain or contract or conveyance all or any part of or interest in the property.

If the Board and the applicant are unable to agree on a means of preserving the Landmark within the waiting period, the Board, upon the expiration of such period or extension thereof, shall approve the application with respect to the proposed environmental or building change or rehabilitation.

(5) — Upon granting approval, the Board shall give written notices to the applicant and the Building Standards Division.

(6) — If no action has been taken by the Board on an application within sixty (60) days after such application has been received by the Board, the application shall be deemed approved.

(7) — Nothing contained herein shall obviate compliance by the owner of such property with all other applicable ordinances, rules and regulations of the City.

(Ord. 1995-35. Passed 11-20-95.)

#### **155.085 ADDITIONAL POWERS AND DUTIES.**

The Design and Review Board shall have the following powers and duties in addition to those otherwise specified in this chapter:

- (a) *The Board shall consider and take action on applications for Certificates of Appropriateness in conformance with the provisions of this Chapter.*
- (b) *The Board shall propose and make recommendations for the designation of Landmarks and areas to be designated as Landmark Districts in conformance with the provisions of this Chapter.*
- (c) *The Board shall review, and provide a recommendation for, final development plan applications for exterior building alterations or renovations, building additions, or new construction in the C-4 District in accordance with Section*

*1141.11 and sign permits in the C-4 District in accordance with Section 1171.04(a) and Section 1171.07.*

- (ed) The Board shall conduct a continuing survey of all areas, places, buildings, structures, works of art or similar objects in the City which the Board, on the basis of information available or presented to it, has reason to believe are or will be eligible for designation as Landmarks or Landmark Districts.
- (be) The Board shall work for the continuing education of the residents of the City with respect to the historic and architectural heritage of the City and the Landmarks *and Landmark Districts* designated under the provisions of this eChapter. It shall keep current and public a register of Landmarks and Landmark Districts.
- (ef) The Board shall have authority to establish rules and regulations consistent with the provisions of this eChapter and the spirit of its purpose to assist the Board in evaluating applications for Landmark designations submitted to it, the manner in which such applications are processed, and the proper and orderly conduct of its business.
- (dg) The Board shall act as a liaison on behalf of the City to individuals and organizations concerned with historic preservation. The Board shall also act in an advisory role to other officials and departments of local government regarding the protection of local cultural resources.
- ~~(e) The Board may accept the services on a permanent or part-time basis of technical experts and such other persons as may be required to perform its duties; provided that no General Fund moneys are used for such services, except as may be appropriated by City Council.~~
- ~~(f) To the extent that other sections of the Codified Ordinances provide for review and approval of signage by any predecessor body, such signage shall then be subject to the review and approval of the Design and Review Board.~~
- (h) *The Board may seek professional expertise when considering a National Register nomination and other actions which are normally evaluated by a professional in a specific discipline, and that discipline is not represented on the Board.*
- (i) *Board members are encouraged to attend training, educational sessions or in-depth consultation with the Ohio Historic Preservation Office (hereinafter referred to as the "OHPO") once a year.*
- (j) *Additional responsibilities may be undertaken by the Board upon mutual written agreement between the OHPO and the City.*

#### **155.06 CERTIFICATE OF APPROPRIATENESS.**

##### **(a) Certificate of Appropriateness Required.**

- (1) *No construction, reconstruction, demolition, relocation, or other exterior alteration to any structure or site element designated as, or upon, a Landmark or located within a Landmark District shall occur until a Certificate of Appropriateness has been applied for, and issued by, the Design and Review Board in accordance with this Chapter.*
- (2) *No Certificate of Zoning Compliance, Zoning Permit and/or other appropriate permits shall be issued by the Planning and Zoning Division*

*for any construction, reconstruction, demolition, relocation, or other exterior alteration to a structure or site element designated as, or upon, a Landmark or located within a Landmark District unless a Certificate of Appropriateness has been issued.*

*(b) Certificate of Appropriateness Procedure for Design Review.*

- (1) Applications for a Certificate of Appropriateness shall be filed with the Planning and Zoning Division no less than seven (7) days prior to the meeting of the Board.*
- (2) Application Contents. An application for a Certificate of Appropriateness shall contain the following, as applicable:*
  - A. A completed application to the Design and Review Board, as prepared by the Planning and Zoning Division.*
  - B. A complete detailed description of the proposed alteration, construction, demolition, removal, or other external change to structures or site elements.*
  - C. A plot plan, legibly drawn and to scale, indicating all existing and proposed structures, drives, walks, signs, and other significant features.*
  - D. A description or sample of materials to be used in the proposed project.*
  - E. Sketches, photographs and other illustrative material relevant to the proposed project.*
  - F. Applications for the demolition of a structure shall also include:*
    - i. Photographic documentation of the structure, inside and out, showing existing conditions.*
    - ii. A written evaluation of the structure's current condition and the cause of such structures state of disrepair, as applicable.*
    - iii. A written statement outlining the reasons for demolition, alternatives to demolition that have been considered and the demolition's conformance with Section 155.06(b)(4).*
    - iv. Architectural plans for proposed new construction on the site or reconstruction of the structure, as applicable.*
  - G. Any additional information as is deemed necessary to review the application by the Planning and Zoning Division or the Board.*
- (3) The application shall be heard at a Board meeting per Section 155.05. The applicant, or his representative or agent, is encouraged to be present at the meeting at which action on the request is to occur.*
- (4) When reviewing a Certificate of Appropriateness application, the Board shall consider if such application is:*
  - A. Appropriate to the preservation of the environmental, architectural or historic character of the structure and property pursuant to the design criteria found in Section 156.06(c).*
  - B. Consistent with the spirit and purposes of this Chapter and the "Standards for Rehabilitation" adopted by the U.S. Secretary of*

*the Interior, as found in Title 36 of the Code of Federal Regulations, Part 1208.*

- C. *In concert with the Archaeological Guidelines as prepared by the OHPO.*
  - D. *In accordance with the following considerations regarding applications for the demolition of a structure:*
    - i. *The demolition of the structure will not be detrimental to the character of the area and City and will be an improvement to existing conditions.*
    - ii. *The applicant has adequately documented the existing structure for the purpose of historical records.*
- (5) *Following its review, the Design and Review Committee shall either:*
- A. *Approve the Certificate of Appropriateness as submitted;*
  - B. *Approve the Certificate of Appropriateness subject to specific conditions; or*
  - C. *Deny the Certificate of Appropriateness.*
- (6) *If no action is taken within sixty (60) days from the date of application, the Certificate of Appropriateness shall be issued as a matter of law. This provision shall not apply if the application is tabled due to lack of information provided by the applicant, or due to the applicant requesting that the application remain tabled.*
- (7) *A Certificate of Appropriateness shall be conditional upon the commencement of work within one (1) year of issuance. If work has not commenced within one (1) year of issuance or work has not been more than fifty (50) percent completed within one and one-half (1½) years of issuance, the certificate shall expire and be revoked.*
- (c) *Design Criteria.* *The following design criteria shall apply to all buildings, site elements, structures and property designated as Landmarks or within a Landmark District:*
- (1) *All construction, reconstruction, exterior alteration, demolition, or other exterior structure or site element change shall preserve the character, historical significance, and architectural style of the existing buildings, site elements, structures and property. Such changes shall be visually compatible with the subject structure, property and area, and a false sense of history shall not be created.*
  - (2) *Materials.* *Traditional building materials such as wood, brick, metal, or stone shall be used for construction, reconstruction, exterior alteration, or other exterior structure or site element change. Modern man-made materials may be utilized at the discretion of the Board if the proposed project keeps in character with the existing building, site, area structures, and “Wooster’s Historic Properties and Districts Design Guidelines”.*
  - (3) *Building Massing.* *For new construction and additions, the structure’s width, height, surrounding setbacks and style shall be considered in relationship to adjacent structures. This relationship between structures*

*shall allow for consistency of style, size and density in each given neighborhood area.*

- (4) Enhancement of Pedestrian Environment. Where possible, elements which can contribute to the quality of the pedestrian environment and other public amenities should be promoted. Included among these may be benches, water features, seating areas, arcades, awnings or canopies.*
- (5) Signage. Signage shall be proportionally scaled and appropriately designed to coalesce with the subject building, site and area.*
- (d) Wooster's Historic Properties and Districts Design Guidelines. Wooster's Historic Properties and Districts Design Guidelines shall serve as a guide for the review of a Certificate of Appropriateness application. The guidelines shall facilitate the Board in their review process in concert with the aforementioned design criteria.*

#### **155.057 DESIGNATION OF LANDMARKS AND LANDMARK DISTRICTS.**

- (a) Nomination. Any area, property, structure, landscape, site element or object in the City may be nominated for Landmark or Landmark District designation by any of the following with written consent from all property owners specified in the nomination:*
  - (1) The owner of any property included in the nomination;*
  - (2) One (1) or more Board members;*
  - (3) One (1) or more City Council members;*
  - (4) The City Administrator; or*
  - (5) An organization or individual with a stated interest.*
- (b) Consideration. In determining whether or not a nomination should be designated a Landmark or Landmark District, the Board and City Council shall consider the following criteria:*
  - (1) Its character, interest or value as part of the development, heritage, archeological, or cultural characteristics of the City of Wooster, State of Ohio, or the United States.*
  - (2) Its location as a site of a significant historic event.*
  - (3) Its identification with a person or persons who significantly contributed to the culture and development of the City.*
  - (4) Its exemplification of the cultural, economic, social or historic heritage of the City.*
  - (5) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.*
  - (6) Its embodiment of a distinguishing characteristic of an architectural type or specimen.*
  - (7) Its identification as the work of an architect or master builder whose individual work has influenced the development of the City.*
  - (8) Its embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation.*

- (9) Its relationship to other distinctive areas which are eligible for preservation according to a plan based on a historic, cultural or architectural motif.
  - (10) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community or the City.
  - (11) Such other individual characteristics as shall be relevant to its designation as a Landmark or Landmark District.
- (c) **Public Hearing, Notification and Recommendation by the Design and Review Board.**
- (1) **Public Hearing.** *Upon receipt of a Landmark or Landmark District nomination, the Board shall set a public hearing date for reviewing the proposed nomination.*
  - (2) **Notification.**
    - A. *Written notice shall be mailed to the owners of properties at the nominated Landmarks or within the nominated Landmark District at least ten (10) calendar days prior to the public hearing.*
    - B. *Notice of the public hearing shall be given in one (1) or more newspapers of general circulation in the City at least ten (10) calendar days before the date of such public hearing.*
    - C. *Notices shall specify the nature of the public hearing and the date, time and place of such meeting.*
  - (3) **Recommendation.** *At the conclusion of the public hearing, the Board shall make a recommendation to Council to approve the nomination, approve the nomination with modifications or deny the nomination. A majority of the Board voting in the affirmative of the recommendation shall be required for its passage.*
- (d) **Public Hearing, Notification and Recommendation by City Council.**
- (1) **Public Hearing.** *Upon receipt of the recommendation for a Landmark or Landmark District nomination from the Board, City Council shall set a public hearing date for reviewing the proposed nomination.*
  - (2) **Notification.**
    - A. *Written notice shall be mailed to the owners of properties at the nominated Landmarks or within the nominated Landmark District at least ten (10) calendar days prior to the public hearing.*
    - B. *Notice of the public hearing shall be given in one (1) or more newspapers of general circulation in the City at least ten (10) calendar days before the date of such public hearing.*
    - C. *Notices shall specify the nature of the public hearing and the date, time and place of such meeting.*

(3) Action by City Council. *At the conclusion of the public hearing, Council shall take action on the proposed nomination.*

- A. *Council's action shall adopt the recommendation of the Board, deny the recommendation of the Board or adopt some modification thereof.*
- B. *A majority vote of the membership of Council shall be necessary for the adoption of Landmark or Landmark District.*
- C. *If the recommendation for a nominated Landmark or Landmark District is not adopted by Council within one hundred twenty (120) days after the most recent recommendation from the Board, such proposed recommendation shall be deemed to have been defeated and denied.*

~~(a) — The Design and Review Board may propose the designation of a place, building, structure, work of art or similar object in the City as a Landmark or a Landmark District. The Board may initiate such a proposal, or any owner of property may apply to the Board for such designation of his or her property.~~

~~(b) — When the Board proposes the designation of any area, place, building, structure, work of art, or similar object in the City as a Landmark or Landmark District, it shall thereupon take the following actions:~~

~~(1) — The Board shall advise the Planning Commission of the proposed designation and secure from the Planning Commission its opinion and recommendation with respect to the effect of the proposed designation upon the surrounding neighborhood, and its opinion and recommendation as to any planning considerations which may be relevant to the proposed designation. Such recommendation shall become part of the official record concerning the proposed designation, and shall be submitted by the Board to City Council, along with the Board's recommendation concerning the proposed designation. In making its recommendation, the Board may make such modifications, changes and alterations concerning the proposed designation as it deems necessary in consideration of the recommendation by the Planning Commission.~~

~~(2) — The Board shall thereafter notify the owner of such property of the proposed designation. Whenever possible, the Board shall secure the owner's written consent to the proposed designation, and shall submit such consent, along with its recommendation, to City Council. In the event that the owner refuses or declines to give such consent to the proposed designation, the Board shall schedule a public hearing on the question of the proposed designation, setting forth a date, time and place for the hearing, and causing written notice to be given to the owner or any person having a legal or equitable interest in such property being proposed for designation. The Board shall also cause a legal notice to be published in a newspaper of general circulation in the City setting forth the nature of the~~

~~hearing, the property involved, and the date, time and place of the scheduled public hearing.~~

- ~~(3) — The Board shall conduct the public hearing provided by subsection (b)(2) hereof, and shall provide a reasonable opportunity for all interested parties to express their opinions under such rules as the Board may adopt for the purpose of governing the process of the hearing. Each speaker shall be fully identified as to name, address and interest represented. Within fifteen (15) days after the date of the hearing, the Board shall make a written recommendation with respect to the proposed designation, and shall so notify the owner or any person having a legal or equitable interest in such property, as well as such other interested parties as may request a copy thereof. The Board shall set forth in its recommendation such findings of fact which constitute the basis for its decision, and shall transmit such recommendation concerning the proposed designation to City Council.~~
- ~~(4) — In making its determination with respect to the proposed designation of any areas, places, buildings, structures, works of art and other similar objects as Landmarks or Landmark Districts, City Council shall give due consideration to the findings and recommendation of the Board, as well as such views as may have been expressed by persons participating in the hearing before the Board, and to the recommendation of the Planning Commission. City Council may, in its discretion, hold public hearings on any such proposed designation, whether such designation is proposed only with the consent of the owner, or after public hearings before the Board. Upon its conclusion, City Council may designate by ordinance such areas, places, buildings, structures, works of art and other similar objects as a Landmark or Landmark District.~~
- ~~(5) — As soon as is reasonably possible thereafter, the Board shall notify the City Building Standards Division of the official designation. The Board shall also file with the Recorder of Deeds of Wayne County a certified copy of the designation ordinance, together with a notice briefly stating the fact of such designation and a summary of the effects such designation will have. Further, the Board shall send by registered mail to the owner and any person having a legal or equitable interest in such property a certified copy of such ordinance and a copy of the notice hereinabove described.~~
- ~~(6) — Notwithstanding any other provision of this chapter, City Council may, by ordinance, rescind the designation of any area, place, building, structure, work of art or similar object as a Landmark or Landmark District, relieving the owner of such area, place, building, structure, work of art or similar object from any duties or penalties contained in this chapter. (Ord. 1995-35. Passed 11-20-95.)~~

#### **155.068 RECORD OF LANDMARKS.**

- (a) The Design and Review Board shall maintain in the office of the Clerk of City Council a register of all properties designated as Landmarks or Landmark Districts. Such designations shall also be made a part of the records of the City's ~~Building Standards~~ *Planning and Zoning* Division.
- (b) *The City shall initiate and maintain a process approved by the OHPO for the survey and inventory of cultural resources which shall be:*
  - (1) *Recorded on Ohio Historic Inventory, Ohio Archaeological inventory forms.*
  - (2) *Updated periodically to reflect changes, alterations, and demolitions.*
  - (3) *Made available to the public and the OHPO and stored on record of the City's Planning and Zoning Division.*
- (b)c) The Board may place or cause to be placed on such Landmark *or Landmark District* properties a plaque or other designation that such property or part thereof has been designated a Landmark *or Landmark District* in the City.

#### **155.09 CHANGES NOT PROHIBITED.**

Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of any property which has been designated a Landmark or which is situated in a designated Landmark District, and which does not involve a change in design, material, or outer appearance thereof; nor to prevent any environmental or building change that the Building Standards or Fire Divisions shall certify in writing is required by the public safety because of an unsafe or dangerous condition.

#### **155.10 APPEALS OF THE DESIGN REVIEW BOARD'S DECISION.**

*Any person aggrieved by any action or decision of the Board under this Code may appeal any such action or decision to the Court of Common Pleas under Ohio R.C. Ch. 2506.*

#### **155.9911 PENALTY.**

- (a) Whoever violates ~~Section 155.07(a)~~ *the provisions of this Chapter* shall be guilty of a *minor* misdemeanor ~~of the fourth degree~~. Each and every day in which such violation continues shall be deemed a separate offense.
- (b) Any criminal remedy for a violation of this ~~e~~Chapter is in addition to any other remedies available to the City under the Codified Ordinances or any other law or regulation, including injunctive relief to stop work or return a structure to its original appearance.

RESOLUTION NO. 2013-83

A RESOLUTION AUTHORIZING THE DIRECTOR OF  
ADMINISTRATION TO ENTER INTO A CONTRACT FOR  
PROPERTY AND GENERAL LIABILITY INSURANCE FOR  
THE MUNICIPAL GOVERNMENT

WHEREAS, the Director of Administration has recommended that the municipal government renew its policy of municipal general liability insurance with a carrier that is qualified to provide such coverage, and the cost thereof is included in the budget for FY 2013.

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 providing for a policy of property and general liability insurance for the City.

SECTION 2. The amount of such payment will not exceed the amounts budgeted.

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: \_\_\_\_\_, 2013  
Mayor

Introduced by: Jon Ansel

**REQUEST FOR AGENDA ITEM  
AUTHORIZATION FOR CONTRACT**

Division: **Administration**

Meeting Date Requested: **October 7, 2013**

Project Name: **Property & Casualty Insurance**      Approved for Agenda:

=====

1. Estimated Total Cost: **Not to exceed budgeted amount. Estimated, total premium is \$184,310. With \$3467.50 in reimbursements, final cost will be \$180,842.50**

2. Is the full amount budgeted? **YES** or NO. If no, how is the purchase to be funded? **Funds are available and will be budgeted in each City fund having property covered by the policy, i.e. Water, Sewer, General, etc.**

3. Description of Purchase: **Request to renew the City's property and casualty insurance contract with Whitaker-Myers, for insurance coverage under the Ohio Plan. Proposals were solicited last year, and this renewal reflects no increase in premium, but a slight increase in coverage due to additional property and equipment.**

4. Justification\Benefits: **The City of Wooster has been contracting with Whitaker-Myers, and the Ohio Plan, for the last 5 years, with little or no increase in premium. We are also currently working with the Risk Management service provided with the insurance contract relative to City-wide building safety improvements and City-wide ADA compliance and transition plan relative to the current lawsuit. It would be difficult to switch carriers in the middle of these projects.**

**In addition, Whitaker-Myers is locally owned and operated, and has provided excellent service. The Ohio Plan is one of the largest group insurance programs in the State of Ohio, providing comprehensive liability and property coverage, as well as risk management services, to over 700 public entities.**

5. Will this project affect the city's operating costs? **This should have little effect on the City's operating costs, and with active Risk management, should help reduce future claims.**

6. What alternatives exist and what are the implications of the alternatives. **We could solicit quotes again after only a year of service, but it would take at least a month to perform this. Our current contract expires on October 15<sup>th</sup>. It is recommended that the City solicit proposals next year for a three year contract.**

7. Is this a sole source request? YES **NO** If yes, explain the circumstances:

8. Are you requesting suspension of the rules and passage on one reading? If yes, note reasons. **Yes. The current contract expires on October 15<sup>th</sup>. We only received the renewal proposal on Sept. 27<sup>th</sup>.**

\_\_\_\_\_  
Joel Montgomery  
Director of Administration

Date: October 2, 2013

RESOLUTION NO. 2013-84

A RESOLUTION AUTHORIZING THE DIRECTOR OF  
ADMINISTRATION TO PURCHASE VEHICLES IN ACCORDANCE  
WITH THE CAPITAL PLAN FOR 2013

WHEREAS, this City Council, in Ordinance No. 2012-32, adopted an annual budget and capital plan for 2013, 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. 2012-32, the Director of Administration is hereby authorized to purchase the following vehicles and equipment as budgeted:

Public Properties Maintenance Division:

- One 2013 Schwarze A7000 street sweeper (replacing a sweeper that is out of repair).

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.

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: \_\_\_\_\_, 2013  
Mayor

Introduced by: Jon E. Ulbright

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

Division PPM Project Name Street Sweeper Requested Meeting Date 10/7/13

☐ Approved for Agenda  
☒ Full Amount is Budgeted

If not, how is  
purchase to be  
funded?

Description of  
Purchase

2013 Schwarze A7000 regenerative air sweeper, Deer 4045T Aux engine, 8.4 cu yd Hopper. This is a vacuum assist street sweeper to use to clean road edges and gutters.

Budgeted from:  
331602 Street Construction Maintenance & Repair - Capital Funds \$120,000  
731500 Storm Drainage - Capital Funds \$120,000

Justifications /  
Benefits

This unit is an integral part of the City's storm water management plan and used on a regular basis to keep the downtown area clean and attractive. Our current unit is a 2000 that has a rusted out hopper, the vacuum tubes are gone and are in need of fabrication. There is a loss of power to the suction head and the vacuum engine is in need of replacement at close to \$20,000. The tires and breaks are unsafe on it and it has been involved in 2 traffic accidents to date.

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

N/A

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

Repair the current unit and try to make it last a few more years.

☒ Sole Source Bid or Non-Bid Situation?

If Yes, explain the  
circumstances

State bid. We also checked the competitor's unit (also on state bid) and found it to be over \$20,000 more expensive for a comparable unit.

☒ Requesting suspension of the rules?

If Yes, explain  
reasons.

State bid is running out on this machine. They are awaiting permission to submit a new bid price which we are being told will go up approximately \$18,000 - \$22,000. We would like to authorize a purchase before this bid ends

Division Manager

Daryl Decker

Date

9/24/2013

Res #84

RESOLUTION NO. 2013-85

A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO  
ISSUE PAYMENT FOR SERVICES RENDERED UNDER CONTRACTS  
WITH VARIOUS VENDORS, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Administration proposed to enter into contracts with various vendors 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 cases below neither the purchase order nor the fiscal officer's certification were issued at the time performance of the contracts commenced, thus necessitating that these matters come to the legislative authority for authorization of the drawing of warrants in payment of amounts due upon the contracts, and

WHEREAS, the expenditures in question were included within the division's budgets, and the contractors have performed services in accordance with the terms of the contracts, such that authorization of payments is appropriate.

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 orders, all of which are budgeted expenditures:

A) Flory & Sons, Inc., in the amount of \$20,604.50, for costs related to repairs to the crosswalks on Beall Avenue.

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 action is necessary to compensate the foregoing contractors for services rendered; 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: \_\_\_\_\_, 2013 Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2013 \_\_\_\_\_  
Mayor

Introduced by: Jon Ansel

<b>CITY OF WOOSTER</b> <b>BILL TO:</b> Accounts Payable <b>538 N Market Street</b> <b>PO Box 1128</b> <b>Wooster. OH 44691</b> <b>Phone: (330) 263-5200</b> <b>FAX: (330) 263-5262</b>	<b>PURCHASE ORDER TO:</b> Address Type: P1 <b>Vendor No.:</b> 341821133 FLORY AND SON INC 10311 EAST LINCOLN WAY ORRVILLE, OH 44667	<b>PURCHASE ORDER NO.:</b> A30440 Page 1 of 1  <b>DATE:</b> 09/24/13  P.O. number must be shown on invoice, packing list, statements and correspondence.
<b>SHIP TO:</b> ENGINEERING DIVISION 538 N MARKET ST WOOSTER, OH 44691	<b>Vendor Phone:</b> <b>Vendor FAX:</b> (330) 749-0044  <b>City is Sales TAX EXEMPT</b>  <b>TERMS:</b>	<b>INVOICE NUMBER:</b>  <b>INVOICE DATE:</b>  <b>PAYMENT DUE DATE:</b>  <b>TOTAL AMOUNT DUE:</b>

ORDERING DEPT:	Lynne Depaulo	TOTAL APPROVED AMOUNT \$	20,604.50
<p>The following conditions and guarantees are a material part of the contract and acceptance of this order will be an acceptance of the conditions and guarantees. You must comply with all applicable federal, state, or local laws and regulations such as equal opportunity employment, prevailing wage, etc. F.O.B. delivered address unless otherwise specified. If unable to ship material when and as promised, please advise when shipment can be made. The right is reserved to cancel all or any part if not shipped as specified. Substitutions or alterations of this order not allowed. Faxed invoices will be accepted but invoices in lead pencil or carbon will not. Seller guarantees that the goods furnished on this order are first class as to material and workmanship and suitable for the purpose for which they are bought.</p>		<p>Services/Goods Received: _____</p> <p>Date: _____</p> <p>Validation: Andrei A. Dordea, Saralyn Lash, Darrell Moser, Stacey L. Thomas</p> <p>_____</p> <p>Finance Officer</p> <p>This validation certifies availability of funds. Purchase order is invalid without Finance Officer's Signature</p>	