

CITY COUNCIL AGENDA

March 16, 2020

7:30p.m.

The meeting convenes 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. UNFINISHED BUSINESS**
 1. Third Reading – ORDINANCE NO. 2020-01
AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY. (Sanders)
- VII. NEW BUSINESS**
 1. First Reading – ORDINANCE NO. 2020-09
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH CERTAIN PROPERTY OWNERS FOR THE PURPOSE OF FACILITATING THE ANNEXATION AND EXTENSION OF UTILITY SERVICES TO THOSE PROPERTIES, AND DECLARING AN EMERGENCY (Silvestri)
 2. First Reading – RESOLUTION NO. 2020-16
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PLACEMENT OF SIDEWALKS ALONG SUNSET LANE, ARMSTRONG DRIVE, AND HIGHLAND PARK, AND DECLARING AN EMERGENCY (Bostancic)
 3. First Reading – RESOLUTION NO. 2020-17
A RESOLUTION APPROVING THE REPORT OF THE ASSESSMENT EQUALIZATION BOARD ON OBJECTIONS CONCERNING THE ESTIMATED SPECIAL ASSESSMENTS FOR THE WEST HIGHLAND ROAD RECONSTRUCTION PROJECT, AND DECLARING AN EMERGENCY. (Bostancic)
 4. First Reading – RESOLUTION NO. 2020-18
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE RECONSTRUCTION OF A PORTION OF WEST HIGHLAND ROAD AND DECLARING AN EMERGENCY (Bostancic)
 5. First Reading – RESOLUTION NO. 2020-19
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE RECONSTRUCTION OF SUNSET LANE AND DECLARING AN EMERGENCY (Bostancic)

6. First Reading – RESOLUTION NO. 2020-20

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH THE WAYNE COUNTY COMMISSIONERS FOR THE PROSECUTION OF MUNICIPAL ORDINANCES BY THE WAYNE COUNTY PROSECUTOR AND FOR PAYMENT FOR SUCH SERVICES, AND DECLARING AN EMERGENCY (Ansel)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

ORDINANCE NO. 2020-01

AN ORDINANCE TO APPROVE AND ADOPT CURRENT
REPLACEMENT PAGES TO THE CODIFIED ORDINANCES
AND DECLARING AN EMERGENCY.

WHEREAS, various ordinances of a general and permanent nature have been passed which should be included in the Codified Ordinances, and

WHEREAS, certain traffic and misdemeanor provisions should be revised to comply with current State law; and

WHEREAS, the codification of such ordinances, together with the new matter to be adopted, the matters to be amended and those to be repealed are before the Council;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Wooster, Ohio:

SECTION 1. That the ordinances of the City of Wooster, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2019 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

SECTION 2. That the following sections are hereby amended, enacted or repealed as respectively indicated in order to comply with current state law:

Traffic Code

- 301.04 Bicycle, Motorized Bicycle, Moped, Electric Bicycle. (Amended)
- 301.20 Motor Vehicle. (Amended)
- 301.251 Predicate Motor Vehicle Offense. (Amended)
- 301.361 Shared-Use Path. (Amended)
- 301.51 Vehicle. (Amended)
- 303.06 Freeway Use Restricted. (Amended)
- 313.09 Driver's Duties Upon Approaching Ambiguous Traffic Signal. (Amended)
- 331.03 Overtaking, Passing to Left; Driver's Duties. (Amended)
- 331.14 Signals Before Changing Course, Turning or Stopping. (Amended)
- 331.15 Hand and Arm Signals. (Amended)
- 331.37 Driving Upon Sidewalks, Street Lawns or Curbs. (Amended)
- 333.03 Maximum Speed Limits. (Amended)
- 337.27 Drivers and Passengers Required to Wear Seat Belts. (Amended)
- 341.03 Prerequisites to Operation of a Commercial Motor Vehicle. (Amended)
- 373.01 Code Application to Bicycles. (Amended)
- 373.02 Riding Upon Seats. (Amended)
- 373.03 Attaching Bicycle to Vehicle. (Amended)
- 373.04 Riding Bicycles and Motorcycles Abreast. (Amended)
- 373.05 Signal Device on Bicycle. (Amended)

Traffic Code (Cont.)

- 373.06 Lights and Reflector on Bicycle. (Amended)
- 373.07 Riding Bicycle on Right Side of Roadway. (Amended)
- 373.08 Reckless Operation. (Amended)
- 373.09 Parking of Bicycle. (Amended)
- 373.10 Motorized Bicycle Operation. (Amended)
- 373.20 Paths Exclusively for Bicycles. (Amended)
- 373.22 Electric Bicycles. (Added)

General Offenses Code

549.01 Weapons Definitions. (Amended)

SECTION 3. The complete text of the sections of the Codified Ordinances listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. As provided in Section 2.19 of the Charter, notice of the proposed revision of the Codified Ordinances shall be published one time in a newspaper of general circulation in the City at least seven days prior to its final approval and no other publication thereof shall be required.

SECTION 4. 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 the law.

SECTION 5. 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 implementation is necessary to ensure compatibility between state and local code provisions; 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 2-18-20 2nd reading 3-2-20 3rd reading _____

Passed: _____, 20____ Vote: _____

Attest: _____
Clerk of Council
President of Council

Approved: _____, 20____
Mayor

Introduced by: Craig Sanders

ORDINANCE NO. 2020-09

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PREANNEXATION AGREEMENT WITH CERTAIN PROPERTY OWNERS FOR THE PURPOSE OF FACILITATING THE ANNEXATION AND EXTENSION OF UTILITY SERVICES TO THOSE PROPERTIES, AND DECLARING AN EMERGENCY

WHEREAS, The property owner at 2150 Oak Hill Road owns a certain parcel of property on Oak Hill Road, contiguous to the City of Wooster, and he desires to annex and obtain utility services from the City of Wooster; and

WHEREAS, the City of Wooster desires to provide utility services to said owners, in return for which the owners have petitioned and will continue to seek annexation of their properties to the City of Wooster at the earliest possible time.

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

SECTION 1. That the Mayor is hereby authorized to enter into a pre-annexation agreement on behalf of the City of Wooster with Terry and Beverly Raber, the property owners at 2150 Oak Hill Road, for the purpose of facilitating the annexation and extension of utility services to their property contiguous to the City of Wooster. The terms of such agreement will include, but not be limited to, the following: (1) the City of Wooster will, upon adoption of this Ordinance, permit extension of utility services to the properties; (2) the owner will continue to diligently prosecute their petition for annexation of their properties; and (3) such other terms as the Mayor, in his/her discretion, shall deem necessary or proper.

SECTION 2. The Mayor is hereby authorized to permit the extension of water and sanitary sewer service to the subject parcels, in accordance with the terms of the pre-annexation agreement.

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, in compliance with law.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary in order to provide for utility services to the properties; 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: _____, 2020 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2020
Mayor

Introduced by: David Silvestri

Legend

- Street Centerline
- Public_ROW
- Parcels
- Address



ROSTETTER BRUCE L & SARAL ST
 2160 OAK HILL RD
 PPN: 63-00542.000
 Lot ID: 28

RABER TERRY L & BEVERLY L ST
 OAK HILL RD
 PPN: 63-00300.000
 Lot ID: 29

BECKER RICHARD A & VIRGINIA
 2142 OAK HILL RD
 PPN: 63-00393.000
 Lot ID: 30

2150

OAK HILL RD




NOTES:

1) ALL Utility locations are approximate.
 Call O.U.P.S. (800) 362-2764
 for field markings

CITY OF WOOSTER - SITE PLAN

Date: 2/25/2020
 All boundaries shown ARE NOT survey quality
 and are for reference only.



CITY OF WOOSTER
 DIVISION OF ENGINEERING

MAN A. SHAW
 200 SOUTH MAIN ST.
 WOOSTER, OH 44691
 TEL: (330) 263-2500

ROBERT V. BISHOP, CEM
 1400 S. HOUSTON AVE.
 HOUSTON, TX 77058

#1

OK'D
2020-09

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division: Engineering	Meeting Date Requested March 16, 2020
Project Name Preannexation Agreement 2150 Oak Hill	Estimated Total Funds/Costs
Is Full Amount Budgeted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded? None budget item	
Description of Request This is a request to allow the Mayor to enter into a preannexation agreement on behalf of the City of Wooster with the property owner at 2150 Oak Hill Road for the purpose of facilitating the annexation and extension of utility services to the property. The owner is planning on constructing a new home and would like to connect to City services.	
Justification / Benefits N/A	
Will this Project affect the City's Operating Costs N/A	
What Alternatives Exist and what are the Implications of the Alternatives The alternative would be to wait until the annexation process has been completed which could take up to 6 months.	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons Suspension of the rules would allow the owner to start the annexation process and to also start construction on their new home.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Roger Kobilarcsik	Date: March 3, 2020
Approved for Agenda <input type="checkbox"/> Yes <input type="checkbox"/> No	

RESOLUTION NO. 2020-16

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PLACEMENT OF SIDEWALKS ALONG SUNSET LANE, ARMSTRONG DRIVE, AND HIGHLAND PARK, AND DECLARING AN EMERGENCY

WHEREAS, it is necessary to install sidewalks along Sunset Lane, Armstrong Drive and Highland Park, and such project is budgeted with the entire cost to be funded with ODOT funds.

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

SECTION 1. The Director of Administration is hereby authorized to advertise according to law and enter into a contract with the lowest and best bidder for the placement of sidewalks along Sunset Lane, Armstrong Drive and Highland Park, in accordance with specifications on file in the office of the director.

SECTION 2. The cost of such contract will not exceed the amount 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 is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City, and for the further reason that it would allow for the project to begin as early as possible; wherefore, this resolution shall be in full force and effect immediately upon its adoption and approval by the Mayor, provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law. 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: _____, 2020 _____
 Mayor

Introduced by: Bill Bostancic

#2
2020-16

Request for Agenda Item

Authorization for Bid



Purchase Capital Item



Non-Capital



Division: Engineering	Meeting Date Requested March 16, 2020
Project Name Melrose SRTS Sidewalk Project	Estimated Total Funds/Costs \$280,000.00 (ODOT Funds)
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded?	
Description of Request This is a request to advertise for bids and to enter into a contract with the lowest and best bidder for the placement of sidewalks along Sunset Lane, Armstrong Drive and Highland Park. ODOT SRTS program will cover the complete cost of construction. All engineering design, construction administration and inspection will be performed by the engineering staff.	
Justification / Benefits This project continues the City's sidewalk construction and replacement program, specifically on student walking routes to schools. Council previously authorized approval to apply for funding Resolution 2018-14.	
Will this Project affect the City's Operating Costs This project should have no immediate effect on the City's operating budget since it is for new sidewalks.	
What Alternatives Exist and what are the Implications of the Alternatives The alternative is to do nothing and forfeit the SRTS funding from ODOT	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons Suspension of the rules is not necessary but earlier passage would allow the opportunity to bid this project as early as possible.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Roger Kobilarcsik	Date: March 2, 2020
Approved for Agenda <input type="checkbox"/> Yes <input type="checkbox"/> No	

RESOLUTION NO. 2020-17

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

WHEREAS, the Assessment Equalization Board appointed by Resolution No. 2020-10 to hear and determine all objections to the estimated special assessments for the improvement known as the West Highland Road Reconstruction, the necessity for which was declared in Resolution No. 2020-03, has filed its report with this Council as to its determination of the objections;

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

SECTION 1. The report of the Assessment Equalization Board referred to in the preamble to this resolution is hereby approved. The estimated special assessments as reported and approved by that Board shall be filed in the office of the Clerk of Council.

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

SECTION 3. This resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City, and for the further reason that this resolution is required to be immediately effective in order to provide for the construction of the improvement, which is necessary to eliminate existing hazards to the traveling public and provide for adequate drainage and utility services to the residents of this City; wherefore, this resolution shall be in full force and effect immediately upon its adoption and approval by the Mayor, provided it receives the affirmative vote of at least three-fourths of the members of the Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Passed: _____, 2020

Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2020

Mayor

Introduced by: Bill Bostancic

REPORT OF ASSESSMENT EQUALIZATION BOARD
W. HIGHLAND AVENUE RECONSTRUCTION

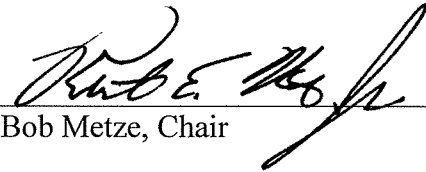
TO; The Council of the City of Wooster, Ohio

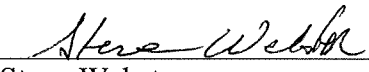
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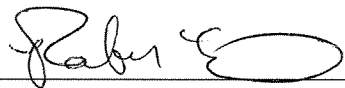
We, the undersigned members of the Assessment Equalization Board appointed and acting pursuant to your Resolution 2020-10, passed February 18, 2020, to hear and determine objections to the estimated special assessments filed pursuant to Resolution No. 2020-03, with respect to W. Highland Avenue Reconstruction, as described in that Resolution and the supporting documents thereto, respectfully report:

- 1) We met at the time and place established in Resolution 2020-10, and took an oath of office as provided by law; and
- 2) We considered all of the objections of the property owners who filed objections to the estimated special assessments, or to the amount and apportionment of those special assessments, and, except to the extent of the reductions recommended in this report, find that those objections are not well taken, and therefore overrule and deny them; and
- 3) A total of ten objections were timely filed. The objections were considered individually by the Board. After careful consideration, we determined all properties on the south side of Highland without direct access to Highland shall have their assessment reduced by 10%, and all properties on the north side of Highland will receive credit for the amount assessed for the 2016 Safe Routes to Schools sidewalk improvements.
- 4) We also find that the estimated special assessments of this improvement, on file with the Clerk of Council, as so adjusted and equalized by this Board, are in accordance with the provisions of Resolution 2020-03; that they are limited, with respect to each lot and parcel of land to be assessed, to the special benefits conferred thereon by the improvement; and those estimated special assessments as so adjusted and equalized are therefore approved.
- 5) We have completed all hearings on the objections and have concluded our deliberations with the submission to you of this report; and
- 6) We find and determine that all formal actions of this Board concerning and relating to the rendering of this report were adopted in an open meeting of this Board, and all deliberations of this Board that resulted in those formal actions were conducted in compliance with the law.

Respectfully submitted,

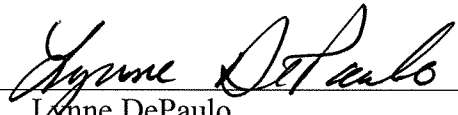

Bob Metze, Chair 3/12/2020
Date


Steve Webster 3/12/2020
Date


Robert Kastner 3/12/2020
Date

I certify that: (i) the foregoing is a true and correct copy of the Report of the Assessment Equalization Board; (ii) the Report is filed with me as Clerk of Council on March 12, 2020; (iii) the total amount of the estimated special assessments has been reduced per Item 4 above.

Dated: 3-12, 2020


Lynne DePaulo
Clerk of Council
City of Wooster, Ohio

#3

Request for Agenda Item

Authorization for Bid

*100.
2020-17*

Purchase Capital Item

Non-Capital

Division: Engineering	Meeting Date Requested March 16, 2020
Project Name W. Highland Road Reconstruction – Equalization Board Report	Estimated Total Funds/Costs
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded?	
Description of Request This is a request to approve the report as presented by the Equalization Board assembled to hear objections to the estimated special assessment for the W. Highland Avenue Reconstruction Project.	
Justification / Benefits Council has already passed 3 pieces of legislation previously; authorizing an OPWC funding application, resolution of necessity and establishing an Equalization Board.	
Will this Project affect the City's Operating Costs This project will lower the City's operating costs by reducing maintenance costs of the existing road.	
What Alternatives Exist and what are the Implications of the Alternatives We can do nothing and continue to maintain the existing roadway and not use the OPWC funding.	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <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 bid this project as early as possible.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Roger Kobilarcsik	Date: March 2, 2020
Approved for Agenda <input type="checkbox"/> Yes <input type="checkbox"/> No	

#4

Request for Agenda Item

Authorization for Bid

Res. 2020-18

Purchase Capital Item

Non-Capital

Division: Engineering	Meeting Date Requested March 16, 2020
Project Name W. Highland Road Reconstruction – Notice to Proceed	Estimated Total Funds/Costs \$1,285,000 (\$309,638 OPWC)(\$130,000 Water)(\$100,000 Sanitary)(\$125,000 Storm)(\$504,728 Capital Improvements Fund)(\$115,634 Assessments)
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded?	
Description of Request This is a request to advertise and enter into a contract with the lowest and best bidder for the reconstruction of W. Highland Avenue from Oak Hill to just east of Tatum Lane, as described in Resolution of Necessity, 2020-03.	
Justification / Benefits The need for this project has been previously established and ratified by council. All necessary rights of way have been obtained and all assessments calculated.	
Will this Project affect the City's Operating Costs This should lower the City's operating costs by reducing maintenance costs of the existing road.	
What Alternatives Exist and what are the Implications of the Alternatives We can do nothing and forfeit the OPWC funding, continue maintenance of the existing road, and not address the safety issues resulting from the narrow lanes and ditches.	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <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 bid this project as early as possible.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Roger Kobilarcsik	Date: March 2, 2020
Approved for Agenda <input type="checkbox"/> Yes <input type="checkbox"/> No	

RESOLUTION NO. 2020-19

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE RECONSTRUCTION OF SUNSET LANE AND DECLARING AN EMERGENCY

WHEREAS, it is necessary to reconstruct Sunset Lane, and such project is included in the capital plan for 2020.

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

SECTION 1. The Director of Administration is hereby authorized to advertise according to law and enter into a contract with the lowest and best bidder for the reconstruction of Sunset Lane in accordance with specifications on file in the office of the director.

SECTION 2. The cost of such contract will not exceed the amount 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 is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City, and for the further reason that it would allow for the project to begin as early as possible; wherefore, this resolution shall be in full force and effect immediately upon its adoption and approval by the Mayor, provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law. 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: _____, 2020

Mayor

Introduced by: Bill Bostancic

#6

Res.
2020-19

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division: Engineering	Meeting Date Requested March 16, 2020
Project Name Sunset Lane Reconstruction – Notice to Proceed	Estimated Total Funds/Costs \$790,000 (\$190,362 OPWC)(\$25,000 Water)(\$125,000 Sanitary)(\$175,000 Storm)(\$211,454 Capital Improvements Fund)(\$63,184 Assessments)
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded?	
Description of Request This is a request to advertise and enter into a contract with the lowest and best bidder for the reconstruction of Sunset lane, as described in Resolution of Necessity, 2020-02.	
Justification / Benefits The need for this project has been previously established and ratified by council. All necessary rights of way have been obtained and all assessments calculated.	
Will this Project affect the City's Operating Costs This should lower the City's operating costs by reducing maintenance costs of the existing road.	
What Alternatives Exist and what are the Implications of the Alternatives We can do nothing and forfeit the OPWC funding, continue maintenance of the existing road, and not address the safety issues resulting from the narrow lanes, ditches and no sidewalks.	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <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 bid this project as early as possible.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Roger Kobilarcsik	Date: March 2, 2020
Approved for Agenda <input type="checkbox"/> Yes <input type="checkbox"/> No	

RESOLUTION NO. 2020-20

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH THE WAYNE COUNTY COMMISSIONERS FOR THE PROSECUTION OF MUNICIPAL ORDINANCES BY THE WAYNE COUNTY PROSECUTOR AND FOR PAYMENT FOR SUCH SERVICES, AND DECLARING AN EMERGENCY

WHEREAS, it is necessary to provide for the prosecution of ordinance or state code violations occurring within the municipality; and

WHEREAS, the City of Wooster has, since 1976, contracted with the Wayne County Commissioners to provide such services through the office of the Wayne County Prosecuting Attorney; and

WHEREAS, this Council finds that prompt action is necessary in order to maintain the continuity of services.

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

SECTION 1. The Director of Administration is authorized to renew an agreement with the Wayne County Commissioners for the prosecution of ordinance and state code violations within the municipality.

SECTION 2. The cost of the contract is budgeted in the Law Department Fund for FY 2020.

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 the law.

SECTION 4. This resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City, and for the further reason that this resolution is required to be immediately effective in order to provide for continued prosecution of criminal cases in the municipal court; wherefore, this resolution shall be in full force and effect immediately upon its adoption and approval by the Mayor, provided it receives the affirmative vote of at least three-fourths of the members of the Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Introduced: _____ Passed: _____ Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2020
Mayor

Introduced by: Jon Ansel

Prosecutor Contract

Dan Lutz <DLutz@countyprosecutor.com>
To: John Scavelli <jscavelli@woosteroh.com>

Mon, Jan 13, 2020 at 10:49 AM

Good morning John. As a little bit of history, when we negotiated the 2017 contract with your predecessor in 2016, I gathered a lot of data to determine what percentage of misdemeanor cases coming from WPD in contrast to the other LE agencies in the county. We looked at data obtained from both my office and the Clerk of Court's office for the period from 2011 through November of 2016, and calculated the percentage of cases coming from the WPD. That number came to an average of 44% of the total misdemeanor cases per year. Additionally, then, we only calculated the salary and wage cost to operate my Misdemeanor Division, and that figure came to \$246,927, for year 2016. Consequently, we argued, that Wooster should pay at least 44% of the \$245,927, or \$108,648 per year, to the county for prosecution services.

During the meeting with the administration regarding the 2017 contract negotiations, the City did not dispute our numbers in our data-driven proposal. However, your predecessor responded (somewhat offensively I might add), that if I employed more experienced prosecuting attorneys in the Misdemeanor Division, perhaps the City would consider paying the amount we were requesting, but without experienced assistant prosecuting attorneys, Wooster would only pay \$75,000 for 2017. Although disappointed in that response, with what was going on in other arenas between the City and the County at that time, I begrudgingly accepted that counterproposal.

Today, it would be very difficult to argue that my two main assistant prosecuting attorneys in my Misdemeanor Division are inexperienced. John Hamers has over ten years of experience as an attorney, and Ed Hebb has over four years of experience. And, certainly, the cost of running my Misdemeanor Division has undoubtedly gone up since 2016, while the percentage of cases submitted by WPD is probably at least almost half of the cases submitted. However, despite that, I am proposing simply a 5% increase from last year's amount, or \$3,999 additional, for a total of \$83,979 for 2020. My reasoning behind this proposal is that our contracts with the other political subdivisions that pay for prosecutorial services has a built-in 5% annual increase for their automatically renewing agreements. I've attached Orrville's contract as an example.

I hope you find this a reasonable proposal in light of the information that I have provided. I've taken the liberty to attach a contract with the proposed annual amount for 2020, in hopes that you have. As you know, although by statute I have the authority to negotiate this agreement, the commissioners have to sign it as the contracting entity for the County. I believe I can justify the relatively small 5% increase to them (and Patrick Herron), by stating that this matches the annual increase the other contracting

political subdivisions are paying for prosecutorial services. I look forward to hearing from you soon. Thanks so much for your consideration.

Sincerely,

Dan

Daniel R. Lutz

Wayne County Prosecuting Attorney

115 W. Liberty Street, Wooster, Ohio

330-262-3030

www.countyprosecutor.com

<https://www.facebook.com/countyprosecutor>



WAYNE COUNTY
PROSECUTOR

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AGREEMENT City of Wooster 2020.docx

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AGREEMENT

THIS AGREEMENT is entered into by and between Joel Montgomery, Director of Administration, acting for and on behalf of the City of Wooster, Ohio [the "City"], and the BOARD OF COUNTY COMMISSIONERS OF WAYNE COUNTY, OHIO, the contracting authority for the County of Wayne, Ohio [the "County"].

WHEREAS, under Section 1901.34(D) of the Ohio Revised Code, the Wayne County Prosecuting Attorney [the "Prosecutor"] may enter into an agreement with a city whereby the Prosecutor agrees to prosecute in municipal court those criminal cases within the municipal court's jurisdiction which arise out of offenses occurring within the City with the exception of cases involving the non-payment of city income taxes [hereafter known as "City Offenses"] and

WHEREAS, the City and the Prosecutor have agreed that prosecution of cases before the Wayne County Municipal Court could be more efficiently handled by having the Prosecutor also prosecute City Offenses.

NOW, THEREFORE, in consideration of mutual agreements herein contained, the City and the County do hereby agree as follows:

1. The Prosecutor, acting as a city police prosecutor, will fully prosecute before the Wayne County Municipal Court all City Offenses.
2. The best legal judgment and qualified discretion of the Prosecutor will be used in determining whether to prosecute City Offenses and to execute appeals, with the objective of strictly enforcing such laws.
3. The Prosecutor will hire a sufficient number of qualified assistant prosecuting attorneys who will be employees of the County, to thoroughly and timely prosecute City Offenses.
4. The Law Director of the City will appoint, as city police prosecutors, the assistant prosecuting attorneys selected by the Prosecutor to prosecute City Offenses.
5. One or more assistant prosecuting attorneys will be available to confer with City police officers regarding violations which arise out of offenses occurring within the city.
6. The County will employ sufficient secretarial and clerical employees as support staff for the prosecution of City Offenses. In addition, the Wayne County Prosecutor's Office will provide all necessary supervision.
7. The City will be responsible for the cost of transcripts for appeals of all City Offenses. In the event a conflict of interest inhibits the Prosecutor from prosecuting a City Offense, the City will assume the cost, if any, of a special prosecutor. The City will also provide, at no cost to the County, an updated copy of the City's codified ordinances.

8. The City will receive its share of all fines collected as a result of a prosecution of a violation of a City ordinance as calculated pursuant to R.C. 1901.31(F).
9. The City agrees to pay to the County as consideration for the Agreement the sum of Eighty-Three Thousand Nine Hundred Seventy-Nine and 00/100 Dollars (\$83,979.00), payable in equal monthly installments of Six Thousand Nine Hundred Ninety-Eight and 25/100 Dollars (\$6,998.25), on the last day of each month, beginning January 31, 2020.
10. This Agreement will be effective January 1, 2020, and continue through December 31, 2020.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed this ____ day of _____, 2020, by the City and the County, pursuant to enabling legislation passed during an open public meeting respectively by the Wooster City Council and the Board of County Commissioners of Wayne County, Ohio.

APPROVED AS TO FORM:

John Scavelli
Director of Law
City of Wooster, Ohio

APPROVED AS TO FORM:

Daniel R. Lutz
Prosecuting Attorney
Wayne County, Ohio

CITY OF WOOSTER:

Joel Montgomery
Director of Administration
City of Wooster

**BOARD OF COUNTY
COMMISSIONERS
WAYNE COUNTY, OHIO**

Sue Smail, Commissioner

Becky Foster, Commissioner

Ron Amstutz, Commissioner

AGREEMENT

THIS AGREEMENT is entered into by and between Steve Wheeler, Safety-Service Director, acting for and on behalf of the City of Orrville, Ohio, with a business address of 207 N. Main St., Orrville, Ohio 44667 [the "City"], and the BOARD OF COUNTY COMMISSIONERS OF WAYNE COUNTY, OHIO, the contracting authority for the County of Wayne, Ohio, with a business address of 428 W. Liberty St., Wooster, Ohio 44691 [the "County"].

WHEREAS, under Section 1901.34(D) of the Ohio Revised Code, the Wayne County Prosecuting Attorney (the "Prosecutor") may enter into an agreement with a city whereby the Prosecutor agrees to prosecute in municipal court those criminal and traffic cases within the municipal court's jurisdiction which arise out of offenses occurring within the City (hereafter known as "City Offenses"), and

WHEREAS, the City and the Prosecutor have agreed that prosecution of cases before the Wayne County Municipal Court, with the exception of cases involving the non-filing of city income tax returns and/or non-payment of city income taxes, are more efficiently handled by having the Prosecutor prosecute City Offenses.

NOW, THEREFORE, in consideration of mutual agreements herein contained, the City and the County do hereby agree as follows:

1. With the exception of those cases involving the non-filing of city income tax returns and/or non-payment of city income taxes, the Prosecutor, acting as a city police prosecutor, or his designee, shall fully prosecute before the Wayne County Municipal Court all City Offenses;
2. The City agrees to refer all cases involving the non-filing of city income tax returns and/or non-payment of city income taxes to its Law Director for prosecution;
3. The best legal judgment and qualified discretion of the Prosecutor will be used in determining whether to prosecute City Offenses and to execute appeals, with the objective of strictly enforcing such laws;
4. The Prosecutor will hire a sufficient number of qualified assistant prosecuting attorneys to thoroughly and timely prosecute City Offenses;
5. The assistant prosecuting attorneys selected and employed by the Prosecutor to prosecute City Offenses shall be deemed appointed by the City Law Director as assistant city police prosecutors;
6. One or more assistant prosecuting attorneys will be available to confer with City police officers regarding violations which arise out of offenses occurring within the City;
7. The County will employ sufficient secretarial and clerical employees as support staff for the prosecution of City Offenses. In addition, the Wayne County Prosecutor's Office will provide all necessary supervision;

- 8. The City will be responsible for the cost of transcripts for appeals of all City Offenses. In the event a conflict of interest inhibits the Prosecutor from prosecuting a City Offense, the City will assume the cost, if any, of a special prosecutor. The City will also provide, at no cost to the County, an updated copy of the City's codified ordinances;
- 9. The City will receive its share of all fines collected as a result of a prosecution of a violation of a City ordinance as calculated pursuant to R.C. 1901.31(F); and
- 10. The Term of this Agreement shall be from the date of execution by the Parties below through December 31, 2020 (the "Initial Term"). Upon Expiration of the Initial Term, this Agreement shall automatically renew for successive one-year terms (the "Renewal Term"), unless one of the Parties gives written notice to the other by November 15th of the then-current term of its intent to terminate this Agreement. Termination of this Agreement at any time shall become effective upon expiration of the then-current term.
- 11. For calendar year 2019 only, the City agrees to pay to the County, as consideration for the services provided under the Agreement, the sum of Fifteen Thousand Six Hundred and 00/100 Dollars (\$15,600.00), payable in three equal installments of Five Thousand Two Hundred and 00/100 Dollars (\$5,200.00), on June 30, 2019, September 30, 2019 and December 31, 2019, respectively. Effective January 1, 2020, the City agrees to pay to the County, as consideration for the Agreement, the annual sum of Twenty Thousand Eight Hundred and 00/100 Dollars (\$20,800.00), payable in equal quarterly installments of Five Thousand Two Hundred and 00/100 Dollars (\$5,200.00), on March 31st, June 30th, September 30th, and December 31st, respectively. Upon automatic renewal, the terms and conditions shall be the same as are contained in this Agreement except that the amount of annual consideration paid by the City to the County shall be increased five percent (5%) each year. It is agreed that the consideration stated herein reflects the cost to the County for prosecuting violations of City Offenses.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed this 5th day of ~~May~~ ^{June}, 2019, by the City and the County, pursuant to enabling legislation passed during an open public meeting respectively by the Orrville City Council and the Board of County Commissioners of Wayne County, Ohio.

APPROVED AS TO FORM:

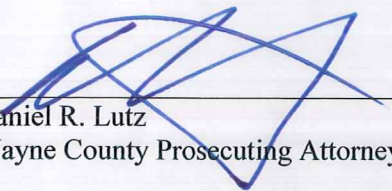
CITY OF ORRVILLE:

Cheryl Kirkbride
 Director of Law, City of Orrville, Ohio

Steve Wheeler
 Safety-Service Director, City of Orrville, Ohio

APPROVED AS TO FORM:

**BOARD OF COUNTY COMMISSIONERS
WAYNE COUNTY, OHIO**



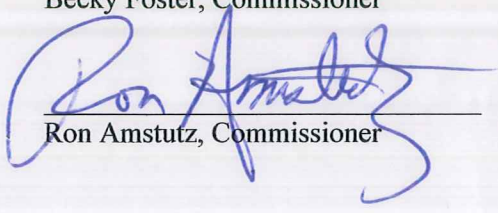
Daniel R. Lutz
Wayne County Prosecuting Attorney



Sue Smail, Commissioner



Becky Foster, Commissioner



Ron Amstutz, Commissioner