

CITY COUNCIL AGENDA
February 6, 2023
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**
Scrivener's Report – Correction to Ordinance 2022-14, pertaining to Traffic
 - IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**
 - V. COMMITTEE REPORTS; PUBLIC HEARINGS**
Public Hearings for Amending Chapter 1107 (Zoning Districts)
Ordinance 2023-02 and Ordinance 2023-03
 - VI. UNFINISHED BUSINESS**
 1. Second Reading – ORDINANCE NO. 2023-02
AN ORDINANCE TO APPROVE AND ADOPT THE RECOMMENDATIONS OF THE PLANNING COMMISSION AND AMEND THE CODIFIED ORDINANCES IN ACCORDANCE WITH THOSE RECOMMENDATIONS (Reynolds)
 2. Second Reading – ORDINANCE NO. 2023-03
AN ORDINANCE TO AMEND CHAPTER 1107, ZONING DISTRICTS, OF THE WOOSTER CODIFIED ORDINANCES TO ALLOW EXPANDED MANUFACTURED HOME DEVELOPMENT WITHIN THE R-5 ZONING DISTRICT (Myers)
 - VII. NEW BUSINESS**
 1. First Reading – ORDINANCE NO. 2023-06
AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Sanders)
 2. First Reading – RESOLUTION NO. 2023-12
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE FOUR VEHICLES FOR USE WITHIN THE POLICE DEPARTMENT (Cavin)
 3. First Reading – RESOLUTION NO. 2023-13
RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR FINANCIAL ASSISTANCE FROM THE OHIO DEPARTMENT OF TRANSPORTATION STATE INFRASTRUCTURE BANK LOAN PROGRAM AND TO EXECUTE AND ENTER INTO AN AGREEMENT AS REQUIRED FOR THE CONSTRUCTION OF A ROUNDABOUT AT THE INTERSECTION OF OAK HILL AND OLDMAN ROADS, FOR THE CITY OF WOOSTER, OHIO, AND ALLOWING FOR IMMEDIATE ENACTMENT (Sanders)
 4. First Reading – RESOLUTION NO. 2023-14
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR WATER TREATMENT PLANT WATER FILTER IMPROVEMENTS AND ALLOWING FOR IMMEDIATE ENACTMENT (Ansel)
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5. First Reading – RESOLUTION NO. 2023-15
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT(S) WITH THE LOWEST AND BEST BIDDERS(S) FOR FURNISHING BITUMINOUS MATERIAL (Knapic)
6. First Reading – RESOLUTION NO. 2023-16
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR MOWING SERVICES FOR CITY-OWNED PROPERTY (Knapic)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

Scrivener's Report

Date Changed	Date Originally Passed	Type of Legislation	Correction	Error Found By	Corrected by:
10/31/2022	9/6/2022	Ordinance 2022-14	ORC. 3781.111 (c)	Kevin Gibbons (Deputy Law Director)	Lynne DePaulo (Council Clerk)

TRAFFIC
CHAPTER 351
355, 357

MEMO FROM THE LAW DEPARTMENT

TO: City of Wooster City Council

CC: Mayor Breneman, Joel Montgomery, Vince Marion, Tim Monea, Douglas Drushal

FROM: Director of Law, John Scavelli

DATE: January 17, 2023

RE: Regulation of Mobile Home Parks

I. Introduction

On January 12, 2023, Attorney Drushal sent a memorandum on behalf of his clients, the owners of the Shelmar Mobile Homes Park (SMHP). In that memorandum, he argued three main points. First, that the State of Ohio has the exclusive power to regulate building and safety codes for manufactured homes in the State of Ohio. Second, that Ohio law allows local political subdivisions to regulate insofar as those regulations do not conflict with Ohio law. Third, that the application of the Wooster Codified Ordinances to outlaw expansion of manufactured home parks violates the Ohio Revised Code.

This Memorandum will address each of these issues and demonstrate why each of these three contentions are incorrect. It will also describe the actual regulatory situation and explain why it presents difficulties for the regulation of manufactured homes.

II. Preemption of Manufactured Home Regulation

Regulatory authority regarding manufactured homes is preempted by the United States government and the State of Ohio by the construction and safety standards established by the Department of Housing and Urban Development pursuant to the National Manufactured Home Construction and Safety Standards Act.¹ As will be shown, such preemption severely limits the ability of an Ohio political subdivision to enforce its building code upon manufactured homes. In fact, it makes it next to impossible.

No State manufactured home standard for construction and safety is allowed unless it is identical to the Federal standard.² States may enforce the Federal regulations as State Administrative Agencies (SAA) or Primary Inspection Agencies (PIA) and these are the exclusive systems for enforcement of the Federal standards.³ No state may enforce a building code that is more stringent than the Federal standards.⁴ No state may enforce any laws that regulate manufactured homes that in any way interferes with the goals of the Federal standards.⁵

¹ 42 U.S.C.S. 5403

² 24 C.F.R. 3282.11(a).

³ 24 C.F.R. 3282.11(c).

⁴ 24 C.F.R. 3282.11(c).

⁵ 24 C.F.R. 3282.11(d).

The federal preemption forces severe restrictions upon an Ohio political subdivision's ability to regulate manufactured homes. Greater safety standards for residential dwellings than the Federal standards, cannot be enforced.⁶ For example, a municipal code that required roof requirements that were more strict than the Federal standards was not allowed, even though it would have enforced safety requirements that were the same as site built homes in the municipality.⁷ Specifically, enforcement of uniform building codes such as the International Building Code on manufactured homes is prohibited.⁸ The City of Wooster has adopted the Ohio Building Code (OBC), which is derived from the International Building Code (IBC).⁹ Manufactured homes are explicitly exempted from enforcement under the Wooster Codified Ordinances because of the previously described Federal preemption.¹⁰

The City of Wooster Property Maintenance Code is derived from the International Property Maintenance Code (IPMC).¹¹ The IPMC is drafted in concert with the IBC so that the codes work together as a cohesive whole.¹² Any attempt to enforce the City's version of the IPMC on manufactured house would necessarily conflict with the Federal standards adopted for construction and safety of Manufactured homes.

The City may be able to adopt the Federal standards as its own manufactured homes building code, however, that does not address the issue of conflicting property maintenance codes.¹³ The State of Minnesota has done so, and yet it was still restricted from enforcing property maintenance codes if they regulate the safety of manufactured homes.¹⁴ The city in that case was limited to regulation of "carports, awnings, zoning setbacks, trash screening, and exterior storage within a manufactured home park"¹⁵

The State of Ohio adds additional preemption over manufactured homes, but given the broad preemption under Federal law, it is essentially of little consequence. The State of Ohio only regulates and preempts the following: 1. manufactured home installers, 2. the installation of manufactured housing, 3. manufactured housing foundations and support systems, 4. regulating and licensing manufactured housing installers and, 5. regulating and inspecting the installation of manufactured housing and manufactured housing foundations and support systems.¹⁶ These are the only areas preempted, because they are the only subjects with regard to manufactured homes that the State of Ohio regulates due to Federal preemption.¹⁷

III. Local Inspection

Mr. Drushal is correct that the State of Ohio allows for local municipalities to exercise its enforcement powers.¹⁸ However, the municipality may only enforce the powers held by the State of Ohio, which have been previously discussed and do not apply to building or property

⁶ *Scurlock v. Lynn Haven*, 858 F.2d 1521 (11th Cir.1988)

⁷ *Michigan Manufactured Hous. Assn. v. Robinson Twp.*, 73 F.Supp.2d 823 (W.D.Mich.1999)

⁸ *Colorado Manufactured Hous. Assn. v. Bd. of Cty. Commrs.*, 946 F.Supp. 1539 (D.Colo.1996)

⁹ W.C.O. 1303.01

¹⁰ W.C.O. 1303.03(g)

¹¹ W.C.O. 1351.01

¹² *International Property Maintenance Code (2021)*, Preface

¹³ *Eich v. City of Burnsville*, 906 N.W.2d 867 (Minn.App.2018)

¹⁴ Eich

¹⁵ Eich

¹⁶ R.C. 4781.14

¹⁷ R.C. 4781.04

¹⁸ R.C. 4781.07

maintenance code enforcement.¹⁹ Mr. Drushal suggests that the City of Wooster could pass regulations that run parallel to State law, which is true, but that doesn't address the concerns the City of Wooster has with manufactured home regulation. Mr. Drushal also suggests that the City can regulate in the areas in which State law does not apply. This is much less clear, because it would still need to contend with the previously discussed Federal preemption.

It is unclear the extent to which a municipality may enforce the Federal standards without being preempted by Federal law. As presented in this memorandum, serious questions exist. What is eminently clear is that the City of Wooster's Property Maintenance Code and Building Code cannot be enforced in the same manner as they are with site built homes, including modular homes.

IV. Prohibitions on Manufactured Homes Locations

Mr. Drushal acknowledges that an Ohio municipality may prohibit manufactured homes through zoning legislation.²⁰ However, Mr. Drushal argues that the Wooster legislation prohibiting the expansion of manufacture home parks violates R.C. 713.15. Mr. Drushal cites an Ohio Attorney General's Opinion in order to support this claim.²¹ The opinion essentially states that when there is zoning prohibitions on a manufactured home park, that the entire park is a non-conforming use, not just individual lots.²² This decision makes sense, because a contrary result would destroy the spirit of non-conforming use law.

In Ohio, if a use is in existence prior to a law which makes it illegal, it may continue in existence so long as the use does not cease for more than two years.²³ If the disuse of each individual lot in a manufactured home park were to trigger the non-conforming use expiration, this would mean that the park would slowly cease to exist. Instead, the entire park may continue to be used as a manufactured home park so long as the park still operates as such even if one lot isn't used for more than two years.²⁴

First, the SMHP is not a non-conforming use. It is legally permitted under the current code. For this reason, any argument based upon non-conforming use law is not applicable. Even if this analysis could be applied, it does not avail SMHP. The argument made by Mr. Drushal does not apply to the expansion of a non-conforming use.²⁵ The Ninth District Court of Appeals has decided a case that is exactly on point.²⁶ In that case, the owner of a manufactured home park wanted to expand the park to land that they owned, but had not been previously used as a manufactured home park.²⁷ In that case, the Court was discussing the township version the same Ohio Revised Code section that Mr. Drushal cites for municipalities.²⁸ The Court decided that while the township needed to allow the use to continue, it did not need to allow it to expand.²⁹ For these reasons, prohibiting the expansion of the SHMP would be legal.

¹⁹ R.C. 4781.07

²⁰ *City of Canton v. State*, 95 Ohio St.3d 149, 2002-Ohio-2005, 766 N.E.2d 963

²¹ 2000 Ohio AG LEXIS 22, 2000 Ohio Op. Atty Gen. No. 22

²² 2000 Ohio AG LEXIS 22, 2000 Ohio Op. Atty Gen. No. 22

²³ R.C. 713.15

²⁴ 2000 Ohio AG LEXIS 22, 2000 Ohio Op. Atty Gen. No. 22

²⁵ *Beck v. Springfield Twp. Bd. of Zoning Appeals*, 88 Ohio App.3d 443, 624 N.E.2d 286 (9th Dist.1993)

²⁶ *Beck*

²⁷ *Beck*

²⁸ R.C. 519.19

²⁹ *Beck*

V. Conclusion

While regulation of manufactured homes may be possible for the City of Wooster, Federal preemption creates a minefield for legislative action and enforcement of those regulations. Even assuming that the City were able to craft a regulatory structure that would withstand Federal preemption, the City would need to apply only the Federal standards and not the City's Building or Property Maintenance codes. The City is cognizant of the need for affordable housing, but it also has a duty to protect its citizens.

Modular homes, built on a scale similar to manufactured homes, could be allowed in the R-5 zoning district with the same level of density. This provides a similar living experience with the benefit that the City can regulate in the same way it does all other residential structures. The cost of a similar sized modular home may be moderately more expensive, but the City believes that they provide a better value for their owners, and a better alternative for the City of Wooster.

ORDINANCE NO. 2023-02

AN ORDINANCE TO APPROVE AND ADOPT THE
RECOMMENDATIONS OF THE PLANNING
COMMISSION AND AMEND THE CODIFIED
ORDINANCES IN ACCORDANCE WITH THOSE
RECOMMENDATIONS

WHEREAS, the Planning Commission held a public hearing for the proposed amendments on January 5, 2023, and voted five to one to recommend approval of the amendments to City Council; and

WHEREAS, the proposed amendments will expand allowed uses in the R-5 zoning district to allow cluster residential development; and

WHEREAS, A public hearing has been held in accordance with the W.C.O. 1105.03; and

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

SECTION 1. That following a public hearing, the following sections are hereby amended, in accordance with the recommendations of the Planning Commission and as more fully described below and in the documents attached and incorporated into this Ordinance:

Section 1109.03: Use-Specific Standards

(c) Residential Uses

(1) Cluster Residential Developments

A. Purpose

Cluster Residential Developments (CRD) are intended to encourage and accommodate creative and imaginative CRDs that provide alternative housing types and the preservation of open space in a unified project. In compliance with the following regulations, it is intended that CRDs will utilize innovations in the technology of land development that are in the best interests of the City.

These regulations are designed to achieve, among others, the following objectives:

- i. To promote economical and efficient use of land and reduce infrastructure costs through unified development;
- ii. To permit the flexible spacing of lots and buildings in order to encourage the separation of pedestrian and vehicular circulation; the provision of readily accessible open space and recreation areas; and the creation of functional and interesting residential areas;
- iii. To minimize the impact of new development by reducing curb cuts onto major thoroughfares and collector streets;
- iv. To ensure that CRDs are compatible with surrounding single-family neighborhoods and comply with these objectives by requiring the submission of development plans and establishing a review process to ensure that all developments are consistent with these regulations; and
- v. To be designed and developed to provide alternative housing types and

the preservation of open space through the flexible arrangement of buildings in a unified development.

B. Development Review

- i. Approval of a CRD shall be required, subject to the development plan review procedure of [Chapter 1105: Review Procedures](#).
- ii. In addition to the general review procedures and review criteria for development plans in Section [1105.07](#), the Planning Commission shall review a proposed CRD to ensure that:
 - a. The proposed buildings and uses are located so as to reduce any substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare;
 - b. Significant buffer zones with adequate landscaping are provided between the proposed development and adjacent residential areas;
 - c. The bulk and height of buildings within the proposed development are compatible with the surrounding development;
 - d. Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the development are designed to have access to public streets in a manner that minimizes traffic hazards, or congestion;
 - e. The layout of parking areas, service areas, entrances, exits, signs, lighting, noise sources or other potentially adverse influences are designed and located to protect the residential character of areas adjacent to the development and to minimize alteration of the natural site features to be preserved, such as, but not limited to, ravines, stream beds, lakes, significant stands of trees, individual trees of significant size, and rock outcroppings;
 - f. The proposed development will be constructed, arranged and operated so as not to interfere with the development and use of neighboring property, in accordance with the applicable district regulations;
 - g. Irreplaceable, significant natural features located in the project area, such as but not limited to ravines, stream beds, lakes, significant stands of trees, individual trees of significant size and rock outcroppings shall be protected;
 - h. That common open space intended for a recreation or public use will be easily accessible to pedestrians, which accessibility shall meet the needs of persons with disabilities and the elderly; and
 - i. The proposed cluster development will be served adequately by spaces, police and fire protection, drainage structures, refuse disposal, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
- iii. Once a development plan review for a CRD has been approved, the applicant may proceed with the subdivision process.

C. Minimum Project Area

The area proposed to be developed as a CRD shall be in one ownership, or if in several ownerships, the application shall be filed jointly by all owners of the properties

included in the proposed CRD boundaries. The minimum gross area of a tract of land in a CRD shall be 15 acres in an R-1 District and 10 acres in an R-2 and R-5 District.

D. Dwelling Types

- i. Both single-family detached dwellings on individual lots and cluster single-family detached dwellings are permitted in a CRD. Upon approval of a CRD, the applicant or builder may submit applications for zoning certificates for each individual dwelling.
- ii. Single-family attached dwellings may be permitted in a CRD with a conditional use approval (See Section [1105.04](#).) and provided that there shall be a maximum of three dwelling units attached in any single structure.

E. Density Regulations

- i. The gross density of a CRD shall not exceed:
 - a. 5.0 dwelling units per acre in an R-1 District; and
 - b. 6.0 dwelling units per acre in an R-2 District.
 - c. **11.0 dwelling units per acre in an R-5 District**
- ii. The maximum number of dwelling units allowed for a particular site shall be calculated by multiplying the maximum gross density allowed by Subsection [1109.03\(c\)\(1\)E.i](#) above, by the total project area minus:
 - a. Any public right-of-way within the project boundary existing at the time the development plan is submitted; and
 - b. The area of land that is within a floodway, designated wetland or existing water body that exceeds the minimum acreage required for restricted open space as set forth in [Chapter 1121: Open Space Standards](#). Where floodways, wetlands, and/or water bodies overlap, they shall be counted only once.

F. Open Space Requirements

In the R-1, and R-2, and R-5 Districts, a portion of the total project area shall be devoted to restricted open space in compliance with the minimum requirement set forth below in [Chapter 1121: Open Space Standards](#).

G. Development and Planning Standards

The following specific development standards shall be adhered to in the design and layout of any CRD.

- i. All buildings, structures and parking areas shall comply with the minimum setbacks set forth in [Table 1109-2](#) below.
- ii. In order to ensure reasonable privacy and separation, individual buildings including terraces, decks and patios shall be separated by the minimum spacing set forth in [Table 1109-2](#). These distances may be reduced when the Planning Commission finds that adequate landscaping and screening is provided to ensure privacy between units.
- iii. The maximum lot coverage of lots in a CRD shall be 45 percent in an R-1 and R-2 District and 60 percent in an R-5 District.
- iv. See Section [1115.01](#) for permitted obstructions with required setbacks and related open spaces.

TABLE 1109-2: MINIMUM SETBACK AND SPACING REQUIREMENTS			
	R-1	R-2	R-5
Setback from existing public street right-of-way	25 feet	25 feet	25 feet
Setback from project boundary, other than a public street	30 feet	25 feet	25 feet
Setback from interior street			
Public right-of-way	25 feet	20 feet	20 feet
Private street pavement	20 feet	20 feet	20 feet
Spacing between buildings			
Side to side	10 feet	10 feet	10 feet
Side to rear	25 feet	25 feet	25 feet
Rear to rear	40 feet	40 feet	30 feet

- v. Interior streets shall be located a minimum of 20 feet from a CRD boundary, except as necessary to traverse this required setback to provide access to an existing public street right-of-way.

vi. Lot Requirements

- a. Dwelling units are not required to be on individual lots. However, when lots for standard detached single-family dwelling units or sublots for single-family cluster or attached dwelling units are included as part of a CRD, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this Section.
- b. The applicant shall depict on the development plan the maximum parameters, or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building location will be in compliance with the spacing requirements of this Section.
- vii. When attached single-family dwellings are proposed and such uses will be located adjacent to single-family detached dwellings, a buffer area with a minimum width of 20 feet shall be located within the required setbacks from the project boundary specified in [Table 1109-2](#) and shall be landscaped in accordance with [Chapter 1123: Landscaping and Buffering](#).

H. Street Design and General Circulation

- i. A street shall be required to be a public, dedicated street when such street:
 - a. Provides access to detached single-family dwellings on subdivided lots;
 - b. Is a major street that connects two existing public streets and which is intended to provide a future continuing street system beyond the project boundaries, or is expected to accommodate pass-through traffic going to and from adjacent developments; or
 - c. Otherwise required by this code to be a public street.
- ii. Streets that are not otherwise required to be public streets pursuant to Subsection [1109.03\(c\)\(1\)H.i](#), above, may be approved as private streets. The Planning Commission may approve private streets when all of the following requirements are met:
 - a. A private street shall not be planned or be expected to extend to serve property outside the CRD and shall be subject to Section [1129.07](#);
 - b. Right-of-ways shall not be required for private streets; however,

utility easement(s) may be required along the length of the private street; and

- c. The design and layout of the private street(s) shall provide adequate and safe access to the intended units, as determined by the Wooster Police and Fire Departments.
 - iii. All elements of a private street that are to be provided in a CRD shall be constructed in accordance with the standards set forth for public streets in [Chapter 1125: Parking, Access, and Mobility](#) and [Chapter 1129: Subdivision Design](#). However, when the Planning Commission determines that certain elements of a public street do not or should not specifically apply to a private street due to the circumstances of a particular project or portion of a project, the Planning Commission may waive or permit a modification to the installation of any such element(s) to the extent deemed just and proper provided such relief may be granted without detriment to the public good and is consistent with the purpose of this chapter and the CRD. This provision also applies to waiving the requirement for curbs and storm sewers when the applicant demonstrates to the satisfaction of the City Engineer and the Planning Commission that, based on the topography of the site, open space, density and other environmental considerations, the proposed open natural drainage system will equally satisfy the drainage requirements.
 - iv. If a common drive is proposed instead of a public or private street, such common drive shall comply with Section [1129.07\(f\)\(5\)](#).
 - v. A pedestrian circulation system shall be included in the CRD. The system shall provide convenient pedestrian access throughout the CRD and from the CRD to other areas of the community. Walkways shall be constructed of concrete or asphalt unless otherwise permitted by the Planning Commission.

I. Supplemental Requirements

Additional development requirements formulated to achieve the objectives of this Chapter may be established at the time the CRD development plan is reviewed. Any such development requirements adopted with such plan shall become binding land use requirements for the proposed CRD.

J. Homeowners Associations

As part of a CRD, a homeowners' association, community association, condominium association or similar legal entity shall be created in compliance with Section [1121.06](#) so that such association is responsible for the maintenance and control of common areas, including the required open space, open space easements, private streets and common drives.

K. Phased Development

If development is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, and other public improvements to serve the development in accordance with the applicable criteria set forth above. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property.

SECTION 2. Table 1109-1: Permitted Principle Uses shall be amended as described herein.

TABLE 1109-1: PERMITTED PRINCIPAL USES																
P = Permitted PS = Permitted with Standards C = Conditional Use X = Prohibited																
Use Type	R-1	R-2	R-T	R-3	R-4	R-5	C-1	C-2	C-3	C-4	I-1	I-2	I-3	AG	CF [1]	Use-Specific Standards
Residential Uses																
Cluster Residential Development	PS	PS	X	X	X	X [*] PS	X	X	X	X	X	X	X	X	X	1109.03(c) (1)

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

1st reading 1-17-23 2nd reading _____ 3rd reading _____

Passed: _____, 2023 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2023
Mayor

Introduced by: Bob Reynolds

10
ORD 2023-02
03

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Planning and Zoning	Meeting Date Requested January 17, 2023
Project Name Text Amendment, R-5 Use	Estimated Total Funds/Costs \$0.00
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 At Council's request a proposal to amend Chapter 1107 of Planning and Zoning Code to allow multi-family dwellings within the R-5 Zoning District was reviewed by Planning Commission. The Planning Commission held a public hearing on the proposal as well as an alternate proposal on January 5, 2023. The findings and recommendations are detailed on the attached memo. The application will also require a public hearing before City Council.	
Justification / Benefits Upon examination of the R-5 District, there are approximately 60 acres of land available for development. Implementing the recommendation of the Planning Commission will allow for the multiple options for housing to be developed that are subject to building, zoning and property maintenance regulations.	
Will this Project affect the City's Operating Costs No	
What Alternatives Exist and what are the Implications of the Alternatives Leaving the text as is will permit multi-family development on the land. Adopting Planning Commission's recommendation will expand housing possibilities that are subject to local regulations and protections.	
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Note Reasons	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Vince Marion	Date: January 10, 2023

Approved for Agenda <input type="checkbox"/> Yes <input type="checkbox"/> No

ORDINANCE NO. 2023-03

AN ORDINANCE TO AMEND CHAPTER 1107,
ZONING DISTRICTS, OF THE WOOSTER
CODIFIED ORDINANCES TO ALLOW EXPANDED
MANUFACTURED HOME DEVELOPMENT
WITHIN THE R-5 ZONING DISTRICT

WHEREAS, the Planning Commission held a public hearing for the proposed amendments on January 5, 2023, and voted three to three on a motion to recommend approval of this amendments to City Council; and

WHEREAS, The motion to recommend this amendment to City Council did not receive four votes, the motion did not carry; and

WHEREAS, the proposed amendments will expand allowed uses in the R-5 zoning district to allow expanded manufactured home development; and

WHEREAS, A public hearing has been held in accordance with the W.C.O. 1105.03; and

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

SECTION 1. That following a public hearing the following sections are hereby amended, in accordance with the recommendations of the Planning Commission and as more fully described below:

1107.05 DISTRICT-SPECIFIC PURPOSE STATEMENTS AND REGULATIONS.

(a) General Requirements. The following subsection establishes the purpose statement for each of the base zoning districts as well as any district specific requirements.

(1) The purpose statement and district-specific standards for Planned Development (PD) Districts are located in Chapter 1111: Planned Developments.

(2) In addition to all standards established within this chapter, development within the zoning districts shall also be subject to any other applicable standards of this code including, but not limited to, site development standards, architectural standards, open space requirements, landscaping, parking, signs, etc.

(b) Single-Family Residential Zoning Districts (R-1, R-2, and R-T). The single-family residential zoning districts are established in order to achieve, among other things, the following purposes:

(1) To regulate the bulk and location of dwellings, accessory buildings and other structures to obtain proper privacy and useable open spaces on each lot appropriate for the various districts;

(2) To regulate the density and distribution of population to avoid congestion and the overburdening of existing and proposed community facilities and public services;

(3) To foster a variety of residential living unit types while protecting the character of the City;

(4) To provide for proper location of dwellings in relationship to multi-

family, commercial and industrial uses so as to increase the general convenience, safety and amenities within the community and to protect residents from nuisances;

(5) To provide for limited small-scale community facilities when such uses are designed and located to be compatible with the residential neighborhood;

(6) To provide proper spacing between buildings to ensure adequate access for fire and other emergency vehicles and equipment;

(7) To protect the desirable characteristics and promote the stability of existing residential development;

(8) To promote the most desirable and beneficial use of the land in accordance with the objectives of the City of Wooster's Comprehensive Plan; and

(9) To carry out the following specific district purposes:

A. The R-1 Suburban Single-Family Residential District is established to encourage the creation and preservation of low-density single-family residential neighborhoods and to limit the establishment of nonresidential uses to those that are compatible with the intended low-density neighborhood character. The stipulated density is intended to provide for areas of suburban character in the community. Suburban areas are typically located at the outer periphery of the city and are characterized by curvilinear streets, cul-de-sacs, and attached garages.

B. The R-2 Single-Family Residential District is established to promote, preserve and protect medium-low density predominantly single-family neighborhoods in the City. Two-family dwellings are restricted to locations where they are designed and located in a manner that is compatible with the existing or proposed residential neighborhood.

C. The R-T Traditional Residential District is established to preserve and protect neighborhoods with traditional urban character. Traditional residential areas are the oldest, close-to-downtown residential areas in the City. Small, dense lots were generally developed before 1940 in a regular grid street pattern, with houses constructed with detached garages. As set forth in the Wooster Comprehensive Plan, traditional residential development will encourage historic preservation and construction/reconstruction that is similar in nature to the established pattern and character of development with a focus on single-family development and conversions of multi-family dwellings back to the original single-family uses.

(c) Multi-Family Residential Zoning Districts (R-3 and R-4). The multi-family residential zoning districts regulations are established in order to achieve, among other things, the following purposes:

(1) To regulate the bulk and location of dwellings to obtain proper privacy and useable open spaces appropriate for the various districts;

(2) To regulate the density and distribution of population to avoid congestion and the overburdening of existing and proposed community facilities and public services;

(3) To preserve the character of differing neighborhoods by providing different districts with different densities and development standards;

(4) To enable the development of attached single-family and multi-family dwellings in appropriate locations and with a minimum project size to ensure the creation of sustainable higher density neighborhoods;

(5) To promote the most desirable and beneficial use of the land in accordance with the objectives of the City of Wooster's Comprehensive Plan; and

(6) To carry out the following specific purposes:

A. The R-3 Attached Residential District is established to provide, preserve and protect medium density residential areas for small-scale attached dwellings arranged to provide good building site design and effective open space in areas adequately served by City sewer, water and streets.

B. The R-4 Multi-Family Residential District is established to provide, preserve and protect locations for high density apartment development in areas with appropriate levels of service.

(d) **Manufactured Home Park District (R-5).**

(1) **Purpose.** The Manufactured Home Park District and its regulations are established in order to achieve the following purposes:

A. To provide for orderly growth and development in the City of Wooster;

B. To preserve the character of differing neighborhoods by providing for the location of mobile homes and manufactured homes in manufactured home communities;

C. To regulate the bulk and location of dwellings to maintain privacy, safety and open spaces for each unit appropriate for the district; and

D. To provide certainty to property owners, developers and neighbors about the limits of what is allowed in a manufactured home park zoning district.

(2) **Discontinued District.** The R-5 District is a discontinued district and is maintained in this code to minimize the creation of nonconformities. Applications for amendments to the zoning map to create additional R-5 Districts shall be prohibited after the effective date of this code, or amendment thereto.

(3) **R-5 District Standards.** While new R-5 Districts may not be established after the effective date of this code, existing manufactured home parks may continue without being subject to the nonconformity standards of Chapter 1131: Nonconformities provided the existing uses comply with the following standards:

A. All manufactured homes, mobile homes, or accessory buildings shall be set back a minimum of 50 feet from any lot or right-of-way line bounding the manufactured home community. See Section 1115.01 for permitted obstructions within required setbacks.

B. The existing number of lots within any manufactured home park may be maintained **and expanded in conformity with the requirements of this code within existing R-5 Districts** unless a reduction is required by Wayne County or State of Ohio officials for the purposes of health and safety.

C. Existing manufactured homes or mobile homes may be replaced with new homes provided such homes comply with any applicable standard of this section. **Additional manufactured homes and mobile homes shall be allowed on any additional lots created pursuant to Section 1107.05(d)(3)(B).** Such replacement **or addition** shall require a zoning certificate approval.

D. Streets may be maintained ~~but~~ and new streets or drives, other than driveways accessing individual lots, may ~~not~~ be created within a manufactured home park **to serve new lots created pursuant to Section 1107.05(d)(3)(B).**

E. Existing permitted commercial, office, and recreational accessory uses may be maintained provided the uses and buildings are designed and located to protect the character of the district and surrounding residential **uses and additional such uses may be created to serve new lots created pursuant to Section 1107.05(d)(3)(B).** Such facilities shall be screened and landscaped so as to be compatible with adjoining manufactured home lots.

F. A minimum of 15 percent of the total number of required parking spaces for any manufactured home park shall be maintained for guest parking.

G. All existing open spaces and recreational areas shall be maintained for such uses as long as the manufactured home park continues to operate **and additional such spaces and areas may be created to serve new lots created pursuant to Section 1107.05(d)(3)(B).**

H. All individual home lots/pads shall continue to maintain a minimum area of 3,600 square feet and a minimum width of 35 feet. Such width shall be increased to 50 feet for any individual home lots that are classified as corner lots.

I. There shall be a minimum clearance of 20 feet between individual manufactured or mobile homes.

J. All principal buildings shall have a maximum height of 35 feet. Any accessory structure shall be subject to the standards of Section 1113.01.

K. All manufactured and mobile homes shall meet or exceed federal and state manufactured and mobile home codes, including OAC Ch-3701-27 inclusive, Ohio Sanitary Code, and any amendments or changes thereof.

L. All mobile homes within the park shall be served by the City water supply system and City sanitary sewer system. These utilities shall conform to all City, County, and State Health Department requirements.

M. Each manufactured or mobile home shall be securely skirted, entirely enclosing the bottom section at the time of occupancy. The skirting shall be of an impervious material and consistent with the characteristics of the manufactured home.

N. The outer boundaries of the manufactured home park shall contain a buffer zone planted and maintained by the park operator. The buffer zone shall be composed of a green strip, not less than 10 feet in width, planted and maintained with a continuous, evergreen hedge of densely planted evergreen trees and shrubs not less than six feet in height, located along all park boundaries, including the boundaries abutting a public right-of-way. This densely planted buffer zone shall completely obscure the manufactured home parking community within two years of its planting.

O. All uses and operations, except off-street parking, shall be performed wholly within enclosed buildings, unless specifically permitted otherwise.

(e) Commercial Zoning Districts (C-1, C-2, C-3, and C-4). The commercial zoning district regulations are established in order to achieve, among other things, the following purposes:

(1) To provide in appropriate and convenient locations of sufficient size for the exchange of goods and services;

(2) To protect residential neighborhoods adjacent to business uses by regulating the types of establishments, particularly at the common boundaries, that would create congestion, noise or other objectionable influences;

(3) To promote the most desirable and beneficial use of the land in accordance with the objectives of the City of Wooster's Comprehensive Plan; and

(4) To carry out the following specific purposes:

A. The C-1 Office/Institutional District is established to create an environment conducive to well-located and designed office building sites and to accommodate primarily office uses. This district may also provide a land use buffer zone to some residential districts, thus providing protection from more intense business uses or major thoroughfares.

B. The C-2 Community Commercial District is established to create a district that permits a wide variety of retail and service establishments with development standards that ensure that development is compatible with adjacent land uses that create a more pedestrian-oriented environment.

C. The C-3 General Commercial District is established to accommodate a broad range of commercial services and activities in locations adequately served by major streets and other facilities and to provide a wide range of goods and services to a large consumer population from the larger regional area.

D. The C-4 Central Business District is established to provide a central business district that preserves, maintains and promotes Downtown Wooster as a core area for retail sales and to promote and enhance the existing historic, compact pedestrian orientation of the downtown by permitting buildings to be close to the street and to one another.

(f) Industrial Zoning Districts (I-1, I-2, and I-3). The industrial zoning districts are established in order to achieve, among other things, the following purposes:

(1) To promote the most desirable and beneficial use of the land and structures in accordance with the objectives of the City of Wooster Comprehensive Plan;

(2) To provide appropriate and convenient districts of sufficient size to carry on research, manufacturing processes, and distribution activities to serve the

community, thereby promoting employment and strengthening the economy of the community;

(3) To improve the manufacturing environment by discouraging unrelated and incompatible uses in such areas, thereby making land more readily available for industry;

(4) To protect adjacent residential districts by restricting types of manufacturing uses nearby to only those which will not create objectionable influences beyond their district boundaries and will be properly buffered and screened;

(5) To protect manufacturing and related development against congestion by requiring setbacks and limiting the bulk and density of development in relation to adjacent buildings and available land and by requiring sufficient off-street parking and loading facilities; and

(6) To carry out the following specific purposes:

A. The I-1 Office/Limited Industrial District is established to provide for office and industrial uses in areas suitable for such development by reason of location, topography, soil conditions and the availability of adequate utilities and transportation systems. The intent is to permit office and other uses such as limited light industrial and warehouse activities that are office-like in physical appearance, service requirements, and operational characteristics; uses that can be carried on wholly within enclosed buildings and subject to those regulations necessary to reduce congestion and for the protection of adjacent residential and business activities. This district also permits accessory retail and service uses to serve as support services for the adjacent office/industrial uses. The uses allowed are those that because of their normally unobjectionable characteristics can be operated in relatively close proximity to residential districts.

B. The purpose of the I-2 General Industrial District is to provide for industrial and other uses that by virtue of their external effects, noise, glare, fumes, smoke, dust, odors, truck and/or rail traffic, should be isolated from residential and commercial uses. These uses perform essential functions for the City, including employment, and should be provided for in areas that are best suited for industrial development by reason of location, utilities and transportation systems.

C. The purpose of the I-3 Urban Industrial District is to provide for the continuation and reasonable expansion of existing industries located in proximity to downtown, and to enable the establishment of new industries within the existing industrial area which can locate in the area in compliance with performance and development standards, in ways that are compatible with the existing urban nature of the downtown area.

(g) Agricultural District (AG). The purpose of this district is to protect active farmland from development, to provide areas for recreation and conservation purposes, to furnish areas for public and semi-public uses, to protect watersheds, to guide growth and development of the community, and to hold land from development of more intensive land uses until such time as adequate public facilities and services can be provided.

(h) Community Facilities District (CF).

(1) Purpose. The Community Facilities District (CF) and its regulations are established in order to accommodate governmental, civic, educational, recreational facilities and other institutional facilities and their associated uses in a manner that:

A. Provides for the proper location and development of community facilities;

B. Ensures that such community facilities are compatible with surrounding single-family neighborhoods by requiring development plan review and conditional use approval, as necessary, for proposed development;

C. Provides for the appropriate location of governmental, civic, educational, recreational, and other institutional uses throughout the city which may be utilized to provide a transition between zoning districts; and

D. Ensures that institutional uses comply with these objectives by establishing review requirements to ensure that all phases of a development are consistent with the regulations of this Planning and Zoning Code.

(2) CF District Standards. The following development and design guidelines are established to ensure that all proposed development in a CF District complies with the purpose and objectives of this code. The Planning Commission shall review plans for a proposed development with consideration given to the following:

A. Buildings, structures and landscaping should be designed and located on the site and be of a scale and massing to:

i. Enhance and protect the character of the surrounding area, especially adjoining residential areas; and

ii. Minimize any adverse influences.

B. Adequate screening, buffering, and landscaping shall be provided to limit the view of the proposed use, reduce the noise between incompatible land uses, and ease the transition from one zoning district to another.

C. Natural features, especially mature trees, shall be preserved and supplemented with landscaping to buffer and screen adjacent residential districts. The Planning Commission shall consider the setbacks, building mass and type when determining the extent of landscaping required.

D. When the proposed use abuts or is across the street from a residential zoning district boundary, a buffer yard shall be required in accordance with Chapter 1123: Landscaping and Buffering.

E. Delivery areas and loading zones shall not face a public street and shall comply with the screening requirements found in Section 1123.07.

F. All power plants, storage or maintenance buildings, which are visible from a public street, shall have a buffer yard of 20 feet. This buffer yard shall contain one major tree for every 30 lineal feet of frontage or as appropriate to provide a tree canopy over the landscaped area. In addition, four-foot-high shrubs are required per 30 lineal feet of frontage. Ground cover plants must fully cover the remainder of the landscaped area.

G. To provide connectivity, sidewalks shall be provided from facilities, which are meant for use by the general public like parks and playgrounds, to the sidewalks in the public rights-of-way.

H. All outdoor lighting shall be subject to the requirements of Section 1117.03.

I. Overnight parking and/or the outdoor storage of commercial motor vehicles, fleet vehicles, commercial motor vehicles, or buses shall be prohibited.

J. Design of Vehicular Use Areas

i. Ambulance and emergency areas shall not abut a single-family residential district. If an ambulance or emergency area is visible from a public street, it shall have a buffer yard of 20 feet. This buffer yard shall include screening per the requirements found in Chapter 1123: Landscaping and Buffering.

ii. The layout of parking areas, service areas, entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the character of residential areas adjacent to the development.

iii. Access from public streets to parking areas, service areas, and pedestrian walkways within the development shall be designed to minimize traffic hazards or congestion.

iv. Pedestrian connections from the community facilities development to adjacent parcels should minimize adverse intrusions into residential neighborhoods.

(i) Planned Development District (PD). The purpose, procedures, and regulations for planned developments is located in Chapter 1111: Planned Developments. (Ord. 2018-009. Passed 5-7-18.)

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

1st reading 1-17-23 2nd reading _____ 3rd reading _____

Passed: _____, 2023

Vote: _____

Attest: _____

Clerk of Council

President of Council

Approved: _____, 2023

Mayor

Introduced by: Scott Myers

ORDINANCE NO. 2023-06

AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE

WHEREAS, the Council of the City of Wooster adopted an Annual Appropriation Ordinance No. 2022-33 for Fiscal Year 2023, and from time-to-time it becomes necessary to amend that Ordinance; and

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

SECTION 1. The City was a participant in the OneOhio Opioid Settlement Fund.

SECTION 2. The City’s share of the settlement funds have increased because of additional settlement participants.

SECTION 3. The amount of \$31,000 is hereby appropriated from the unappropriated balance in the OneOhio Opioid Settlement Fund (126).

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 law.

SECTION 5. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

Passed: _____, 2023 Vote: _____

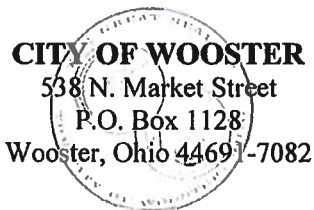
Attest: _____ Clerk of Council _____ President of Council

Approved: _____, 2023 _____ Mayor

Introduced by: Craig Sanders




Robert F. Breneman, Mayor



Andrei A. Dordea, CPA
Director of Finance
Phone: (330) 263-5225
Fax: (330) 263-5262
Email: adordea@woosteroh.com
Mobile: (330) 845-0130

Memorandum

To: Wooster City Council
CC: Mayor Breneman, Clerk of Council DePaulo, Director Montgomery, Director Scavelli
From: Andrei Dordea 
Date: 1/17/2023
Re: 2023 Appropriation Amendment #2

I am asking to appropriate additional funds in the OneOhio Opioid Settlement Fund (126).

As a result of additional drug companies joining the OneOhio Opioid Settlement, we have received more settlement funds than originally projected.

With this additional appropriation, we will be able to purchase the MX908 Drug Testing Equipment approved in the 2023 Appropriations Budget with settlement funds instead of capital improvement funds.

I am NOT asking for rules suspension. Three readings will suffice.

Please feel free to reach out to me if you have any questions or require additional information.

Thank you!!

RESOLUTION NO. 2023-12

A RESOLUTION AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO PURCHASE FOUR VEHICLES
FOR USE WITHIN THE POLICE DEPARTMENT

WHEREAS, the City requires four new police vehicles to replace two K-9 marked cruisers, one supervisor vehicle, and one unmarked vehicle.

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

SECTION 1. The Director of Administration is authorized to purchase four new vehicles for use as marked and unmarked police vehicles and police cruiser equipment.

SECTION 2. 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 are more advantageous to the City.

SECTION 3. The cost of such purchase is included in the 2023 Appropriations Budget.

SECTION 4. 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 5. 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: _____, 2023
Mayor

Introduced by: Mark Cavin

2

Rep
2023-12

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Police	Meeting Date Requested 2-6-2023
Project Name Police	Estimated Total Funds/Costs \$220,000 - \$270,000
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? Budgeted Capital Item	
Description of Request Purchase four police vehicles to replace two 2013 K9 vehicles, one 2018 Supervisor Patrol vehicle and one 2014 unmarked vehicle. Due to the age and body style changes for these vehicles, new interior equipment will be required.	
Justification / Benefits	
Will this Project affect the City's Operating Costs No	
What Alternatives Exist and what are the Implications of the Alternatives	
Is this a Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Explain The Circumstances: Vehicles will be bought at or below state bid pricing.	
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 It is unknown when the order bank will be opened or the amount of vehicles they will accept before they lock out the ability to order	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Fisher	Date: 1-17-2023

Approved for Agenda Yes No

RESOLUTION NO. 2023-13

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR FINANCIAL ASSISTANCE FROM THE OHIO DEPARTMENT OF TRANSPORTATION STATE INFRASTRUCTURE BANK LOAN PROGRAM AND TO EXECUTE AND ENTER INTO AN AGREEMENT AS REQUIRED FOR THE CONSTRUCTION OF A ROUNDABOUT AT THE INTERSECTION OF OAK HILL AND OLDMAN ROADS, FOR THE CITY OF WOOSTER, OHIO, AND ALLOWING FOR IMMEDIATE ENACTMENT

WHEREAS, the State Infrastructure Bank, operated by the Ohio Department of Transportation, is a loan funding program that provides financial assistance to political subdivisions of the State of Ohio; and

WHEREAS, the City of Wooster is planning to make improvements to its Oak Hill Road and Oldman Road Intersection which is considered to be a priority need for the community; and

WHEREAS, the City of Wooster is qualified to apply for and obtain financial assistance from the State Infrastructure Bank for this purpose; and

WHEREAS, the Council of the City of Wooster deems it proper and in the best interest of the City of Wooster to apply for a loan from the State Infrastructure Bank in the amount of \$1,400,000 to be used for the construction of the Oak Hill and Oldman Roundabout Project; and

WHEREAS, the City of Wooster's Oak Hill Tax Increment Financing Fund and its General Fund provide an adequate resource for repayment on the State Infrastructure Bank Loan; and

WHEREAS, the State Infrastructure Bank Program requires officials such as Director of Administration, Joel Montgomery, and Director of Finance, Andrei Dordea, to enter into any agreements and/or execute any other documents as may be necessary and appropriate for obtaining this financial assistance through the Ohio Department of Transportation State Infrastructure Bank Loan Program.

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

SECTION 1. The Council of the City of Wooster believes that it is in the best interest of the City of Wooster to apply for a loan from the State Infrastructure Bank Program in the amount of \$1,400,000 to finance the City's Oak Hill and Oldman Roundabout Project.

SECTION 2. That the Council of the City of Wooster hereby authorizes the Director of Administration, Joel Montgomery, and the Director of Finance, Andrei Dordea, to submit a State Infrastructure Bank loan application together with all required documentation and authorizes entering into any agreements and/or to execute any documents that may be necessary on behalf of the City of Wooster to successfully obtain financial assistance from the State Infrastructure Bank Program offered through the Ohio Department of Transportation.

SECTION 3. This Ordinance is hereby declared to be 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 facilitate the maintenance of an economic development incentive project through authorizing the transfer of an agreement to new property owners as originally contemplated; 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: _____, 2023 Vote: _____

Attest: _____
Clerk of Council President of Council

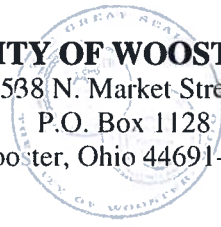
Approved: _____, 2023
Mayor

Introduced by: Craig Sanders



Robert F. Breneman, Mayor

CITY OF WOOSTER
538 N. Market Street
P.O. Box 1128
Wooster, Ohio 44691-7082



Andrei A. Dordea, CPA
Director of Finance
Phone: (330) 263-5225
Fax: (330) 263-5262
Email: adordea@woosteroh.com
Mobile: (330) 845-0130

Memorandum

To: Wooster City Council
CC: Mayor Breneman, Clerk of Council DePaulo, Director Montgomery, Director Scavelli
From: Andrei Dordea
Date: 1/25/2023
Re: State Infrastructure Bank

We are asking your permission to file an application for a low interest loan from the Ohio Department of Transportation State Infrastructure Bank Loan Program for the Construction of a roundabout at the intersection of Oak Hill and Oldman and Roads.

The Ohio Department of Transportation maintains a direct loan program, for the purpose of developing transportation facilities throughout Ohio. The maximum term of the loan is 20-years with a fixed rate of interest at 3.0%. The loan is interest free for the first year. Loans are typically processed in 60 to 90 days.

The reason for using this financing mechanism is that their rate of interest is cheaper than current market rates of interest.

4
Res
2023-14

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division: Utilities	Meeting Date Requested February 6, 2023
Project Name WTP Filter Media Replacement Project	Estimated Total Funds/Costs \$280,500 (Water Fund)
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 authorize the advertisement for bids and to enter into a contract with the lowest and best bidder for the rehabilitation of the four water filters at the Water Production Facility. The rehabilitation will consist of removal and replacement of the filter underdrains and media. The engineering design will be completed by Jones and Henry. The construction administration and inspection will be performed in-house by the Engineering and Utilities Division staff.	
Justification / Benefits The project will return the filters to the original design parameters for filter rate, head loss, and turbidity removal.	
Will this Project affect the City's Operating Costs This project will not change the operation and maintenance costs.	
What Alternatives Exist and what are the Implications of the Alternatives No alternatives exist to replacement of the media and underdrains.	
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 in order to obtain the best possible bids and to order materials..	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Mike Fritz	Date: January 30, 2023
Approved for Agenda <input type="checkbox"/> Yes <input type="checkbox"/> No	

DESIGN MEMORANDUM



To: City of Wooster

Subject: Water Treatment Plant – Filter Improvements Project

From: Jake Meinerding, PE

Date: January 27, 2023

Need for Filter Expansion and Upgrades

Jones & Henry completed the design and construction administration of the current Water Treatment Plant in the late 1990's. During the planning process, the City anticipated the need to increase capacity in the future. As part of the design and construction, the plant piping, foundation and building were sized and laid out to allow for doubling the plant capacity in the future. The two main process components for adding capacity are the solids contact clarifiers and gravity filters.

For most water treatment facilities, filtration is the most critical component in the treatment process. Currently, there are times when the filtration capacity of the existing cluster filters is pushed to the limit. With all four filters online the plant has a capacity of 6.2 million gallons per day (mgd) based on 3.0 gpm/sf of filter area. Generally, filters are designed to meet plant capacity with one filter out of service. This puts the firm capacity of the filters at 4.65 mgd. There are days when water production nears the firm capacity, leaving a minimal safety factor for operation of the filters. The media in the existing filters is reaching the end of its useful life and should be replaced. Media typically lasts 20 years and is now approaching 25 years of operation.

Description of Improvements

The City previously approved a plan to double filtration capacity by adding a new filter building adjacent to the existing filters. Shortly into design the City started conducting hydraulic and performance loading tests on the existing filter to determine if the more flow could be processed through the existing filters than the design flow of 6.2 mgd (3.0 gpm/sf per filter) with all filters in service. Preliminary results show the capacity of the filters can be increased to some extent.

The aging filter media and ancillary equipment is preventing the filters from reaching their full potential of a 4.0 gpm/sf loading rate or total capacity of 8.2 mgd or firm capacity of 6.15 mgd. As part of the plan to add a new filter building, the existing filters were to be upgraded by replacing the media and collector nozzles in the bottom of the filters that collect filtered water. It is assumed the nozzles have become scaled, preventing more flow from passing through the filters.

Although simply replacing the filter media and collector nozzles does not double the filtration capacity as originally intended it does increase the capacity of the plant by 33% and provides a lower cost alternative. A new filter building still may be required in the future depending on projected water usage

City of Wooster
WTP - Filtration Project

data. However, the size of the new filter building could be reduced and the timeframe to complete the addition could be extended.

For these reasons it is recommended to replace the media and collector nozzles in the existing filters as the first step in upgrading the plant capacity. Costs and a schedule for completing these improvements as a single project follow.

Costs for Improvements

Construction Costs	
Item	Cost
Mobilization, Insurance, Bonding	\$30,000
Removals	\$40,000
New Equipment Installation	\$160,000
Incidentals	\$25,000
Contingency (10%)	\$25,500
Total Construction Estimate	\$280,500

Schedule of Design and Construction

No permits are required given the nature of the project. We would recommend communicating the project scope with the City's Ohio EPA district representative. Equipment lead times have significantly increased in recent years. We anticipate 3 months for equipment procurement by the Contractor at the beginning of construction before any site work begins.

Advertise for Bid – 3/1/2023

Begin Construction Contract – 5/1/2023

Equipment Procurement by Contractor – 6/1/2023 thru 9/01/2023

Onsite Construction Work – 8/15/2023 thru 10/15/2023

Next phases

After the new equipment is placed online hydraulic and performance testing will recommence to verify the capacity of the existing filters can be increased. A demonstration study protocol will need to be submitted to Ohio EPA and a yearlong study will commence to rerate the filters to 4 gpm/sf loading. Future water usage projections will be determined if further filter expansion is required.

JONES & HENRY ENGINEERS



Jake Meinerding, PE
Vice President

RESOLUTION NO. 2023-15

A RESOLUTION AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO ADVERTISE ACCORDING TO LAW
AND ENTER INTO A CONTRACT(S) WITH THE LOWEST AND
BEST BIDDER(S) FOR FURNISHING BITUMINOUS
MATERIAL

WHEREAS, the Public Properties Maintenance Division, in planning for construction, maintenance and repair needs for municipal infrastructure in the year ahead, has determined that it will need to purchase certain materials, and the cost thereof is included in the budget for 2023.

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

SECTION 1. That in accordance with the estimated needs of the Public Properties Maintenance Division, the Director of Administration is hereby authorized to advertise according to law and enter into a contract(s) with the lowest and best bidder(s) for the purchase of bituminous material, the specifications for which are now on file in the office of the said Director; provided that if the item is available through either the Ohio Department of Administrative Services Cooperative Purchasing Program or the Ohio Department of Transportation Purchasing Program, s/he may make such purchase therefrom without competitive bidding if s/he determines that the price and availability is more advantageous to the City.

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

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 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: _____, 2023 _____
Mayor

Introduced by: Barb Knapic

Request for Agenda Item

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 2023-
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Authorization for Bid

Purchase Capital Item

Non-Capital

Division PPM	Meeting Date Requested 2/6/2023
Project Name Bituminus Asphalt Products Bid	Estimated Total Funds/Costs \$510,000.00
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 Approval to go to bid for pricing on the purchase of bituminous asphalt products unless pricing is available through either the Ohio Department of Administrative Services Cooperative Purchasing Program or the Ohio Department of Transportation Purchasing Program.	
Justification / Benefits Materials are needed to make necessary infrastructure improvements and repairs to various roadways and other City owned properties in 2023. The PPM Division purchased approximately \$305,000.00 (4100 ton) in Bituminus Asphalt products in 2022 and anticipates spending approximately \$510,000.00 (6000 ton) in 2023.	
Will this Project affect the City's Operating Costs Fully budgeted from 100.31.602 (Street Construction and Repair) - 100.32.301 (Public Properties and Parks) – Capital Projects 301 Fund	
What Alternatives Exist and what are the Implications of the Alternatives By not purchasing these materials (bituminous asphalt products), the condition of the City's infrastructure will worsen causing the City to spend additional monies to make the repairs moving forward.	
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Note Reasons	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Curt Denning	Date: 2/1/2023

Approved for Agenda Yes No

RESOLUTION NO. 2023-16

A RESOLUTION AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO ADVERTISE ACCORDING TO
LAW AND ENTER INTO A CONTRACT WITH THE
LOWEST AND BEST BIDDER FOR MOWING SERVICES
FOR CITY-OWNED PROPERTY

WHEREAS, it is necessary to provide for the mowing of city parks and other city-owned property, and such expense has been budgeted for 2023.

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 mowing services for city-owned property in accordance with specifications on file in the Office of the Director of Administration.

SECTION 2. The cost of such contract will not exceed the amount 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 the 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: _____, 2023
Mayor

Introduced by: Barb Knapic

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PP 2023-16

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division PPM	Meeting Date Requested 2/6/2023
Project Name City Property Mowing	Estimated Total Funds/Costs \$100,000.00
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 Authorization to advertise for bid for City Property Mowing for 2023. The majority of all city owned property mowing are covered under this contract: public properties & parks, storm water basins, highway right-of-ways and water utilities. The contract will be bid in four segments. Bidders can choose as many segments as they'd like to. The contracted amount to perform the mowing and trimming was nearly \$90,000 in 2022.	
Justification / Benefits By contracting with a professional mowing services business as a cost savings measure that will benefit the City. This contract will also allow our PPM and Utilities employees to address other essential duties in their assigned discipline for the City.	
Will this Project affect the City's Operating Costs Fully budgeted from mostly Cost Centers 100.32.301 (Public Properties & Parks); 507.31.502 (Storm Water); 102.31.602 (Highway); 501.42.504 (Water Production); 502.42.514 (Water Pollution Control)	
What Alternatives Exist and what are the Implications of the Alternatives This would require mowing all of the public properties and parks storm water basins, highway right-of-ways and water utilities with PPM and Utility employees. Approximately 240 man hours per week would be needed to perform all of the City Wide Mowing on the contract.	
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 checked="" type="checkbox"/> No If Yes, Note Reasons	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Curt Denning	Date: 2/1/2023

Approved for Agenda <input type="checkbox"/> Yes <input type="checkbox"/> No
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