

CITY COUNCIL AGENDA

Special Meeting

April 9, 2012

4:00 p.m.

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

I. ROLL CALL & ORDERING OF AGENDA

II. OLD BUSINESS

1. Third Reading - RESOLUTION 2012-37 AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE IMPACT GROUP OF HUDSON, OHIO FOR SERVICES RELATED TO THE PREPARATION AND ADMINISTRATION OF A COMMUNITY SURVEY, AND THE DEVELOPMENT OF COMMUNICATION STRATEGIES RELATED THERETO, AND DECLARING AN EMERGENCY (Ansel)
2. Second Reading - ORDINANCE 2012-08 AMENDING PART 17, TAXATION CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO (Knapic)
3. Second Reading - ORDINANCE 2012-09 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH S&D REALTY, LLC FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY (Ansel)
4. Second Reading - ORDINANCE 2012-10 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BRASFOND USA FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY (Ansel)
5. Second Reading- ORDINANCE 2012-11 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH RETAIL RENTALS, LLC, DBA JUSTBASICSSPORTS, INC. FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY (Ansel)
6. Second Reading- ORDINANCE 2012-12 AN ORDINANCE AMENDING CHAPTER 162, MANAGEMENT BENEFITS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO (Knapic)
7. Second Reading- RESOLUTION 2012-41 AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE COLUMBUS ROAD RESURFACING PROJECT (PID 92645) (Ulbright)
8. Second Reading- RESOLUTION 2012-42 AMENDING RESOLUTION NO. 2009-37 BY INCREASING THE AMOUNT OF THE CONTRACT (Ulbright)
9. Second Reading- RESOLUTION 2012-44 AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT TO THE STATE OF OHIO IN SETTLEMENT OF AN OEPA ENFORCEMENT ACTION (Ansel)

III. ADJOURNMENT

RESOLUTION NO. 2012-37

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH THE IMPACT GROUP OF HUDSON, OHIO FOR SERVICES RELATED TO THE PREPARATION AND ADMINISTRATION OF A COMMUNITY SURVEY, AND THE DEVELOPMENT OF COMMUNICATION STRATEGIES RELATED THERETO, AND DECLARING AN EMERGENCY

WHEREAS, in anticipation of further reductions in municipal services, Mayor Breneman has recommended that the city enter into a contract with The Impact Group of Hudson, Ohio for the preparation and administration of a survey designed to identify and prioritize the delivery of community services, and also to assist in the development of strategies for the communication to the public of budgetary issues facing the municipal government; and

WHEREAS, this City Council deems that prompt action is necessary to facilitate these necessary services at the earliest possible time.

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

SECTION 1. That the Mayor is hereby authorized to enter into a professional services contract with The Impact Group of Hudson, Ohio for the preparation and administration of a community survey, and the development of communication strategies related thereto.

SECTION 2. The cost of such contract will not exceed \$25,000.00, of which amount \$12,000.00 is budgeted in the CDBG ED RLF Fund and \$13,000.00 from the General Fund.

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 hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary to facilitate the timely commencement and completion of the proposed services; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 3-19-12 2nd reading 4-2-12 3rd reading _____

Passed: _____, 2012 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2012
Mayor

Introduced by: Jon Ansel

ORDINANCE NO. 2012-08

AN ORDINANCE AMENDING PART 17, TAXATION CODE,
OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO

WHEREAS, the Director of Finance, in consultation with the Director of Law, has recently reviewed the penalties contained in the municipal income tax code pertaining to the failure of taxpayers to perform certain obligations thereunder, and has recommended certain modifications thereof.

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

SECTION 1. That Part 17, TAXATION CODE, of the Codified Ordinances of the City of Wooster, Ohio be amended at Section 1701.99, PENALTY, to read as follows:

1701.99 PENALTY.

(a) [No change]

(b) Whoever violates any of the provisions of Section 1701.12(a) shall, *on a first offense, be fined not more than one hundred dollars (\$100); and upon any subsequent offense, be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense.*

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

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

1st reading 4-2-12 2nd reading _____ 3rd reading _____

Passed: _____, 2012 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2012
Mayor

Introduced by: Barbara Knapic

ORDINANCE NO. 2012-10

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BRASFOND USA FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY

WHEREAS, Brasfond USA is an enterprise which desires to construct a research and office facility located on N. Geyer Chapel Road in Wooster within the area designated by Wooster City Council as the community reinvestment area (CRA), including a capital investment of up to \$700,000.00 for the construction of a new facility; and it has requested tax abatement as an incentive to such expansion; and

WHEREAS, the Wooster Growth Corporation, as the designated community improvement corporation for the City of Wooster, has reviewed the request for CRA tax incentives and has recommended its adoption; and the Wooster City Schools board of education has also reviewed the request and given its approval thereof.

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 an agreement on behalf of the City of Wooster with Brasfond USA for CRA tax incentives. The terms of such agreement will include, but not be limited to, the following: (1) abatement of real estate taxes of 50%; (2) for a maximum term not to exceed ten (10) years; (4) creation of at least two (2) full-time jobs; and (4) such other terms as the Mayor, in his/her discretion, deems appropriate.

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

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary in order to facilitate implementation of the expansion project by the applicant; 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 4-2-12 2nd reading _____ 3rd reading _____

Passed: _____, 2012

Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2012

Mayor

Introduced by: Jon Ansel

ORDINANCE NO. 2012-12

AN ORDINANCE AMENDING CHAPTER 162, MANAGEMENT BENEFITS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO

WHEREAS, in an effort to accommodate recent staffing changes, the Public Works Administrator has recommended certain changes to the Management Benefits ordinance to allow existing personnel to assume a supervisory role, as needed, within the Utilities Division, thereby resulting in a net savings to the division.

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

SECTION 1. That Chapter 162 of the Codified Ordinances, entitled Management Benefits, be amended at Section 162.09, MANAGEMENT POSITIONS, to read as follows:

162.09 MANAGEMENT POSITIONS.

In accordance with Article V, Section 5.03 of the Charter of the City of Wooster, and the Codified Ordinance Section 162.09, the following management positions are hereby identified and authorized:

<u>POSITION</u>	<u>STATUS</u>
Administrative Assistant	Unclassified
Assistant Fire Chief	Classified
Building Standards Manager	Unclassified
City Planner	Unclassified
Community Service and Development Administrator	Unclassified
Deputy Director of Finance	Unclassified
Director of Administration	Unclassified
Director of Finance	Unclassified
Director of Law	Unclassified
Economic Development Coordinator	Unclassified
Engineering and Planning Manager	Unclassified
Finance Manager	Unclassified
Fire Chief	Classified
Human Resources Professional	Unclassified
Human Resources Specialist	Classified
Information Systems Manager	Unclassified
Police Captain	Classified
Police Chief	Classified
Public Properties Maintenance Manager	Unclassified
Public Properties Maintenance Assistant Manager	Unclassified
Public Properties Maintenance Supervisor	Classified
Public Works Administrator	Unclassified
Recreation/Community Center Manager	Unclassified

**REQUEST FOR AGENDA ITEM
AUTHORIZATION FOR CONTRACT**

Division: **Public Works**

Meeting Date Requested: **April 2, 2012**

Project Name: **Chapter 162, Management Revisions** Approved for Agenda:

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1. Estimated Total Cost: **N/A**
2. Is the full amount budgeted? YES or NO. If no, how is the purchase to be funded? **N/A**
3. Description of Purchase: **Revise chapter 162, Management Benefits, of the codified ordinances of the City of Wooster in order to conform to recent re-organization plans.**
4. Justification\Benefits: **This revision creates the position of Utilities Supervisor in the Utilities Division. The plan is to leave the Assistant Utilities Manager position vacant, and to promote the two, current Chief plant operators to supervisors. This will provide for a person in responsible charge at each plant during normal operating hours, and spread the duties of the previous assistant manager. These positions will allow them to schedule employees, give direction on plant operations, and be responsible for EPA reporting requirements. This eliminates a manager position, stream lines operations, and eliminates a direct report.**
5. Will this project affect the city's operating costs? **The overall Utilities re-organization plan should save approximately \$24,000/ year.**
6. What alternatives exist and what are the implications of the alternatives. **We could fill the Assistant Utilities Manager position, which would result in no cost savings.**
7. Is this a sole source request? YES **NO** If yes, explain the circumstances:
8. Are you requesting suspension of the rules and passage on one reading? If yes, note reasons. **Yes. We have been working under a temporary organizational structure for almost two months, and without a supervisory position at each plant. Passage would allow for needed planning, scheduling, and organization at each plant to begin.**

Joel Montgomery
Public Works Administrator

Date: **March 29, 2012**

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

Division Engineering	Meeting Date Requested April 2, 2012
Project Name 2012 Resurfacing – Columbus Road; PID 92645	Approved for Agenda
Estimated Total Cost \$58,300. ODOT Grant = \$45,640 (80%), Local Funds = \$12,660 (20%)	
Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded?	
<p>Description Of Purchase This is a request to authorize the Mayor to enter into a cooperative agreement with the Ohio Department of Transportation (ODOT) for resurfacing of Columbus Road between Liberty & the RR tracks south of Vanover. ODOT is funding 80% of construction and construction engineering costs. All of the construction engineering, contract management and inspection will be performed in-house by the engineering division staff. ODOT will reimburse 80% of these costs as well.</p>	
<p>Justification/Benefits The Ohio Department of Transportation has committed to funding 80% of the construction costs for this project in FY 2012.</p>	
<p>Will This Project Effect the City's Operating Costs This project should have little or no effect on the City's operating costs.</p>	
<p>What Alternatives Exist and What Are The Implications of The Alternatives We could do nothing, and turn down the grant funds. We could proceed with the project using other interest accruing financing methods.</p>	
<p>Is This A Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>If Yes, Explain The Circumstances This is a request to simply accept the funds already awarded for this project, and is a requirement of the funding process.</p>	
<p>Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>If Yes, Note Reasons ODOT plan approval process can not begin until the LPA agreement is signed. This process must begin ASAP in order to meet the current funding timetable.</p>	
Division Manager Joel Montgomery	Date March 29, 2012

Res # 41

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

Division Engineering	Meeting Date Requested April 2, 2012
Project Name Akron Road (SR585) Reconstruction - Phase 2	Approved for Agenda
Estimated Total Cost \$33,000	
Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded? The engineering services for this project are budgeted in the Capital Improvement Fund and State Highway Fund.	
Description Of Purchase This is a request to increase the contract with Engineering Associates of Wooster to provide additional design & environmental services for Phase 2 of the reconstruction of Akron Road, from Gateway Drive to Long Road. The estimated construction & construction engineering cost is \$3.0 million, of which ODOT has committed to \$2.4 million. All of the construction engineering (\$278,000) will be performed in-house by the engineering division staff and reimbursed. This request is for additional Design engineering, Right-of-way, and environmental work required to add additional work south of Long Road, including bike path, sidewalk and storm sewer construction.	
Justification / Benefits Phase 1 construction is nearly complete, and final costs appear to be on track to come in more than \$450,000 under the original budget. ODOT agreed to transfer a portion of the grant funds from Phase 1 to Phase 2 in order to extend the Phase 2 project bike path and sidewalk south of Long Road to Canal and Highland Park. ODOT requires a pre-qualified firm to perform the design and environmental work for the project extension.	
Will This Project Effect the City's Operating Costs This project should have little or no effect on the City's operating costs. Road maintenance should be reduced after the project is completed.	
What Alternatives Exist and What Are The Implications of The Alternatives We could do nothing and forfeit the ODOT funds.	
Is This A Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Explain The Circumstances This is an Engineering services request and Engineering Associates is currently under contract for the Phase 2 design and environmental work.	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Note Reasons Authorizing the contract revision this year would facilitate meeting the funding timelines.	
Division Manager Joel Montgomery	Date March 29, 2012

Res #42

