

CITY COUNCIL AGENDA

September 18, 2017

7:30p.m.

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

I. ROLL CALL & ORDERING OF AGENDA

II. APPROVAL OF MINUTES

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

1. Liquor Control Hearing Notice – New – C1 & C2
DBA Family Dollar 8561
239 W. Liberty Street
Wooster, OH 44691
Family Dollar at the corner of W. Liberty and N. Grant

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Accounts Receivable Management Committee met September 18th at 11:00 a.m.

VI. OLD BUSINESS

1. Second Reading – ORDINANCE NO. 2017-26
AN ORDINANCE AMENDING PART ONE OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO TO PROVIDE FOR AMENDMENTS AND NEW SECTIONS TO TITLE FIVE, CHAPTER 133, CIVIL SERVICE RULES AND REGULATIONS (Knapic)
2. Second Reading – ORDINANCE NO. 2017-27
AN ORDINANCE AMENDING CHAPTER 162, MANAGEMENT BENEFITS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, AND DECLARING AN EMERGENCY (Knapic)

VII. NEW BUSINESS

3. First Reading – RESOLUTION NO. 2017-40
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF SR 83 WITHIN THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (Ulbright)
4. First Reading – RESOLUTION NO. 2017-41
A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), TO ACCEPT AND APPLY SUCH FUNDS, IF AWARDED, AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY (Sanders)
5. First Reading - ORDINANCE 2017-28
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH BAKER PROPERTIES, LLC, FOR CERTAIN TAX INCENTIVES, AND DECLARING AN EMERGENCY (Sanders)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

**NOTICE TO LEGISLATIVE
AUTHORITY**

115 N. Grant

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

26312750560 <small>PERMIT NUMBER</small>		NEW <small>TYPE</small>	FAMILY DOLLAR STORES OF OHIO INC DBA FAMILY DOLLAR 8561 239 W LIBERTY ST WOOSTER OH 44691	
08 24 2017 <small>ISSUE DATE</small>				
08 24 2017 <small>FILING DATE</small>				
C1 C2 <small>PERMIT CLASSES</small>				
85 <small>TAX DISTRICT</small>	165 <small>TAX DISTRICT</small>	B <small>TAX DISTRICT</small>	B68802 <small>RECEIPT NO.</small>	

FROM 09/05/2017

PERMIT NUMBER		TYPE		
ISSUE DATE				
FILING DATE				
PERMIT CLASSES				
TAX DISTRICT			RECEIPT NO.	



MAILED 09/05/2017

RESPONSES MUST BE POSTMARKED NO LATER THAN.

10/06/2017

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

B NEW 2631275-0560

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF WOOSTER CITY COUNCIL
538 N MARKET ST
PO BOX 1128
WOOSTER OHIO 44691

Commerce Division of Liquor Control : Web Database Search

OWNERSHIP DISCLOSURE INFORMATION

This online service will allow you to obtain ownership disclosure information for issued and pending retail liquor permit entities within the State of Ohio.

Searching Instructions

Enter the known information and click the "Search" button. **For best results, search only ONE criteria at a time.** If you try to put too much information and it does not match exactly, the search will return a message "No records to display".

The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

	SEARCH CRITERIA
Permit Number	<input type="text" value="2631275"/>
Permit Name / DBA	<input type="text"/>
Member / Officer Name	<input type="text"/>

Search Reset Main Menu

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 26312750005; Name: FAMILY DOLLAR STORES OF OHIO INC; DBA: DBA FAMILY DOLLAR 10063; Address: 1900 E LIVINGSTON AVE COLUMBUS 43209		
FAMILY DOLLAR STORES INC	1000.00	
GARY PHILBIN	0.00	PRESIDENT
ROGER DEAN	0.00	TREASURER
THOMAS E SCHOENHEIT	0.00	SECRETARY
WILLIAM A OLD JR	0.00	VICE PRES.

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- [Ohio Department of Commerce](#)

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ORDINANCE NO. 2017-26

AN ORDINANCE AMENDING PART ONE OF THE
CODIFIED ORDINANCES OF THE CITY OF WOOSTER,
OHIO TO PROVIDE FOR AMENDMENTS AND NEW
SECTIONS TO TITLE FIVE, CHAPTER 133, CIVIL SERVICE
RULES AND REGULATIONS

WHEREAS, updates to Chapter 133 of the Wooster City Ordinances are required due to changes in regulations, federal, and state laws. In addition, other changes were made, including but not limited to, a lateral hire provision for the Divisions and Police and Fire, an expansion the applicant pool for promotional exams, and changes for credits for promotional exams; and

WHEREAS, the Civil Service Commission reviewed the proposed amendments to the civil service rules and unanimously voted to adopt the changes at the July 18, 2017, Civil Service Commission Meeting;

WHEREAS, the Council recognizes its constitutional duty to interpret, construe, and amend its laws to comply with constitutional requirements and regulations as they are announced; and

WHEREAS, with the passage of any ordinance, the City and the Council accept as binding the applicability of general principles of criminal and civil law and procedure and the rights and obligations under the United States and Ohio Constitutions, Ohio Revised Code, and the Ohio Rules of Civil and Criminal Procedure; and

WHEREAS, Council has determined that it is in the best interests of the City of Wooster and its residents to enact and codify the proposed additional sections and amendments to part one, title five, Chapter 133, Civil Service Rules and Regulations, as described below.

NOW, THEREFORE, be it ordained by the Council of the City of Wooster, Ohio:

CHAPTER 133
Civil Service Rules and Regulations

- 133.01 Definitions
- 133.02 Classifications
- 133.03 Applications
- 133.04 Examinations
- 133.05 Eligible Lists
- 133.06 Certifications
- 133.07 Appointments
- 133.08 Probationary period
- 133.09 Promotions
- 133.10 Unskilled service
- 133.11 Transfers, leaves of absence and resignations

- 133.12 Performance evaluation
- 133.13 Layoffs and reemployment
- 133.14 Discipline
- 133.15 Administration of civil service

CROSS REFERENCES

- Civil Service - see Ohio Const., Art. XV, Sec. 10
- Commission established - see CHTR. §5.01
- Powers and functions - see CHTR. §5.02
- Classified and unclassified service - see CHTR. §5.03
- Civil Service Law - see Ohio R. C. Ch. 124
- Open meetings - see ADM. Ch. 107

133.01 DEFINITIONS.

As used in these chapters, the following words, phrases, terms or expressions shall have the meanings as indicated:

- (a) “Abolishment of position” means an elimination of one or more positions due to reorganization for efficient operations, economic reasons, or for lack of work.
- (b) “Allocation” means the assignment of a class to a pay range or an appropriate pay level.
- (c) “Applicant” means a person who has formally applied for a position with the City.
- (d) “Appointment” means the act of selecting and hiring an individual to a position in the employment of the City.
- (e) “Authorized position” means positions set forth in the official table of organization which has been authorized and approved by the Mayor.
- (f) “Certification” means the act by which the Civil Service Commission sends to the Director of Administration a list of names and applicants eligible for a specific position.
- (g) “Classification” or “Classification plan” means a position or group of positions having similar duties and responsibilities requiring similar qualifications, which can be properly designated by one title.
- (h) “Classified service” means all positions in the Civil Service not included in the unclassified service by the Charter.
- (i) “Commission” means the Civil Service Commission of the City.
- ~~(i) —“C.E.T.A.” means a position funded through the Comprehensive Employment and Training Act of the United States government, or its successor, for the purpose of providing employment.~~
- (j) “Continuous Service” means the time a person has been continuously employed, including time served as a full-time, part-time, temporary, provisional or probationary employee where there has been a continuation of employment to permanent status without any break in service.
- (k) “Demotion” means a reduction from one classification to another classification for which the maximum rate of pay is lower.
- (l) “Director” means the Director of Administration, who also serves as Personnel Director, although such duties may be delegated.
- (m) “Dismissal” means the permanent separation of an employee from City employment.

- (n) “Eligible” means a person who has formally applied for a position with the City and has been placed on an eligible list, or who has qualified to be placed on an eligible list.
- (o) “Eligible list” means a list of names established either through registration, examination, or reinstatement for the purpose of filling vacancies in the classified service.
- (p) “Examination” or “test” means methods or procedures used by the City to assess the relative capability of applicants to perform the duties and responsibilities of the position sought. Examinations may comprise one or more of the following types:
- (1) “Open competitive” means an examination which is open to all qualified applicants.
 - (2) “Promotional **closed** competitive” means an examination which is open to qualified City employees only.
 - (3) “Assembled” means an examination which requires qualified applicants to report a designated time and place to participate in the examination.
 - (4) “Unassembled” means an examination which is based on review and ranking of experience, educations and other relevant qualifications or written material submitted by the applicant.
 - (5) “Non-Competitive” means an examination not involving competition that may be held for unskilled positions or part-time, seasonal or temporary positions.
- (q) “Job specification” means a written **position description summary** of the duties and responsibilities of a position.
- (r) “Layoff” means removal of an employee from City employment due to lack of work, lack of funds, or to changes in administrative organization abolishing one or more positions.
- (s) “Part-time” means a position of employment that may be continual, but involves an annual average work week of fewer than **thirty** hours.
- (t) “Pay range” means a group of standard rates of pay with minimum, maximum and intermediate pay steps.
- (u) “Position” means an officially designated job with a general defined group of duties and responsibilities.
- (v) “Promotion” means advancement of an employee from one class to another class for which the maximum rate of pay is higher. In no case shall the rate of pay received by the employee in the new class be less than the employee received in the class held prior to the promotion.
- (w) “Provisional” means a short-term replacement in a vacant permanent position for which no eligible list exists, but which does not exceed 120 days.
- (x) “Step increase” means an increase in pay from one pay step to the next successive pay step within a pay range.
- (y) “Suspension” means the temporary and involuntary separation of an employee from City employment for disciplinary purposes.
- (z) “Temporary” means a position involving short-term employment, usually not exceeding 120 calendar days.
- (aa) “Under filling” means filling a promotional position with an existing employee who does not meet the minimum qualifications for the position, when an inadequate number of qualified applicants are available for the promotional position. Such employee is provisionally appointed and then trained to assume responsibility for the position, provided a promotional examination is passed or the employee’s qualifications are accepted by the Civil Service Commission.

(bb) “Working day” means any day during which the employee is regularly scheduled to work or the days during which the municipal offices are open for business, generally Monday through Friday, which is applicable. (Ord. 1978-49, Passes 10-16-78)

133.02 CLASSIFICATIONS.

- (a) Classification. A classification plan for all employees in the classified and unclassified service shall be developed and maintained by the Director of Administration and pay ranges established for each classification.
- (b) Job Specifications. Job specifications, **with essential functions**, shall be developed and maintained by the Director outlining the duties and responsibilities of each classification. The job specifications are to be descriptive only and shall not be considered comprehensive or as limiting the duties of a position.
- (c) Incumbents of Changed Classifications. Whenever a position has been allocated to a new classification through merger, abolition or division of classifications, or through the creation of new classifications, the employee so allocated shall receive the title of the new classification without examination. Whenever new classifications are established, or amended, merged, abolished or divided, the Civil Service Commission shall be given a copy of the new classification within five days of the implementation of such classification. (Ord. 1978-49, Passed 10-16-78)

133.03 APPLICATIONS.

- (a) Filing of Applications. Applications for all positions in the classified service shall be made to the Director of Administration upon forms furnished by the Director. Questions on the applications form must be reasonably related to the duties required to be performed in the position.
- (b) Minimum Qualifications. Prior to the announcement of a vacancy in the classified service, the Director shall prepare in writing the minimum qualifications required for a vacant position. The minimum qualifications shall make reference to the following when required for a position: age, education and experience, licenses and certificates, physical condition, criminal history, polygraph testing, psychological test, ~~or C.E.T.A. funding~~. All required qualifications must be reasonably related to the duties required to be performed in the position, and shall not be used to unlawfully discriminate.

A copy of such minimum qualifications shall be provided to the Civil Service Commission. The minimum qualifications must be made a part of the announcement of the vacancy. Following publication of the announcement, no reduction or modification in the minimum qualifications shall be performed.

All applicants must be citizens of the United States and meet the minimum requirements for a position as stated in the announcement, except when necessary to under fill a promotional position as provided in Section 133.09(a). All applicants for permanent, full-time positions must be at least eighteen years old, except for police officers, who shall be twenty-one to thirty-five years of age, and **firemen-firefighters**, who shall be twenty-one to thirty-five years of age, inclusive at the date of appointment. **All applicants seeking a position under Section 133.07(f) shall not be subject to the maximum age requirements of this section.** (Ord. 1998-19, Passed 10-5-98)

- (c) Investigation. The Director may investigate the information provided by any applicant. Whenever the Director finds that an applicant fails to meet minimum qualifications stated on the

announcement; or has been found guilty of a **job-related** criminal **law offense**; or has been dismissed from employment for inefficiency, delinquency or misconduct; or has resigned from employment while disciplinary charges were pending; or is addicted to the habitual or excessive use of habit forming drugs or intoxicating beverages; or has made false statement on the application; or has otherwise demonstrated a lack of integrity or responsible behavior, the Director may reject the application.

The applicant may appeal the rejection to the Commission within five working days from the date of the notice of rejection. (Ord. 1978-49. Passed 10-16-78.)

133.04 EXAMINATIONS.

(a) Examinations. All original appointments, **lateral hires**, and promotions in the classified service shall be filled according to merit and fitness, to be ascertained, as far as practical, by competitive examination.

The Director of Administration shall have the responsibility for reviewing the applications and testing applicants.

(b) Announcements. When the Director determines that a vacancy exists that must be filled in an authorized position in the classified service, and no valid eligible list exists for such position, the Director shall establish the date and the type of examination that will be given for the position.

For all examinations, except promotional examinations, the Director shall announce the vacancy by placing an advertisement in a local newspaper of general circulation **or electronically publishing**, and in other publications as necessary, for three successive days.

Notification of the vacancy shall also be sent to the Civil Service Commission and all City departments to be posted in a conspicuous location in the Municipal Building.

Each classification vacancy shall be advertised in a separate announcement. Multiple vacancies in one classification may be combined into one announcement.

The Director may announce a combined open and promotional examination when three or fewer qualified promotional candidates are available for an examination. The examination shall be advertised as provided herein.

Promotions of sworn officers in the Police and Fire Divisions shall be made only as specified in Section 133.09. Promotional positions, except sworn officers in the Police and Fire Divisions, may be provisionally under filled as provided in Section 133.09(a).

When a position requires exceptional qualifications of a scientific, managerial, professional or educational nature, or where a particular applicant has unusual qualifications for a vacant position based on exceptional skills, education or experience, the Director may determine that it is not practicable to give a competitive examination. In such cases the Director may approve the appointment of a person of recognized attainment, providing satisfactory evidence can be presented to the Commission showing that the designated person is exceptionally qualified and that competition would therefore be impractical.

(c) Examination Methods. Examination methods shall consist of one or more of the following tests, as determined by the Director:

(1) Written tests of aptitudes, achievement and knowledge of the work. The test may include an objective type examination designed to test the applicant's familiarity with information and material which could reasonably be expected in the position; standard intelligence tests; standard aptitude tests; or a dissertation on one or more subjects dealing with problems encountered in the classification.

(2) Written tests which evaluate mental fitness, character traits and attitudes, provided such tests are related to the duties of the position sought.

(3) Ratings which evaluate education, training and/or experience pertinent to the classification for which the examination is taken.

(4) Performance or skill tests which provide for assessment of applicant's abilities and manual skills to perform the work involved in the classification.

(5) Physical examinations consisting of muscular strength, agility, endurance and coordination of applicants.

(6) Oral examinations which evaluate knowledge, personal qualifications, and communications skills, provided such tests or ratings are practical, competitive and related to duties of the position sought.

(d) Conduct of Examinations. All examinations shall be conducted under the supervision of the Director of Administration who may designate or contract on behalf of the Civil Service Commission for special examiners as required. Written examinations shall be prepared, graded and the results certified by a university or other qualified testing service, and contracts for such written examinations shall be approved by the Commission.

No applicant shall be admitted to any written examination after any applicant who has seen the questions has withdrawn from the examination room.

Visitors or observers shall not be admitted to the examination room during any examination except by permission of the Director. The Director may provide for assistance for handicapped applicants who are otherwise qualified. Such assistance shall be limited to reading the examination and/or marking the answers as directed by the applicant.

Any applicant who, during an examination, attempts to aid himself or another applicant in answering questions by reference to notes or other material not approved for use by all applicants, or by discussion with other applicants, or by other means of cheating, shall be dismissed from such examination and shall receive no grade.

Examinations shall be conducted in accordance with the following procedures:

(1) Written examinations shall be administered to all applicants on the date advertised. Prior to the start of the examination, each applicant shall complete and sign an identification card containing a number the applicant must use to identify the examination form and answer sheets, and other such information as required. The identification cards shall be sealed in a blank envelope and delivered to the Commission, who shall use the numbers to identify and rank the test scores. The identity of the person taking the test shall be concealed from the examiners by the use of the identification number by the applicant on the examination form and answer sheet.

(2) An unassembled test which involves the evaluation of education, experience and training of applicants shall use a consistent standard of ranking the qualifications of all applicants.

(3) Performance tests shall involve similar tasks for all applicants competing for the same position, and shall be related to the actual duties and responsibilities of the position. This type of examination shall be administered by someone designated by the Director who is familiar with the skills required in the position,

(4) Physical examination shall involve similar physical fitness activities for all applicants, and shall be related to the duties and responsibilities of the position.

(5) Oral examination shall involve similar questions for all applicants related to the duties and responsibilities of the position. This examination shall be administered by two or

more individuals, one of whom may be the Director, or one or more persons selected by the Director familiar with the position. The two examiners shall average their scores to determine a final score for the applicant.

(e) Postponement and Cancellation of Examinations. The Director of Administration shall have the right to postpone any examination because of an inadequate number of applications, because of non-attendance of special examiners, or for other sufficient cause, or to cancel any examination, the holding of which becomes unnecessary because of change in the personnel requirements of the City. All postponements or cancellations shall be approved by the Civil Service Commission.

(f) Grading of Examinations. All examinations shall be graded or ranked by the examiner and the results certified to the Commission. Written examinations shall be graded by statistical methods which proportion and convert individual scores on a scale where 100% represents the highest possible attainment and 65% represents the minimum level of attainment. Non-written examinations shall use a consistent passing mark representing the minimum performance level for each examination. In order to attain place on the eligible list, an applicant's final grade average from all tests must be no less than 65% for written examinations or the minimum performance level on non-written examinations. However, the Director, with the approval of the Commission, may require at least 65% in some specific part of an examination as published in the announcement, and the failure of the candidate to make such required 65% in that part of the examination will disqualify the applicant in the entire examination.

The weights of the various parts of each examination shall be determined by the Director and shall be applied uniformly in determining each applicant's final grade.

An applicant who has served ~~on active duty~~ in the ~~armed~~ Armed Forces, Reserve, National Guard, or other Uniformed Services of the United States and has been honorably discharged ~~within five years of the date of application to the City~~, shall receive five points credit in addition to the test score. ~~Participation in the National Guard, ROTC or any inactive military service shall not be eligible for the five points credit.~~ Veteran credit points shall not be added until a passing grade is obtained by the applicant. Veteran credit points shall not apply to any promotional or unassembled examination.

~~Police officer applicants shall receive two and one-half points credit in addition to the test score for an Associate's Degree or five points additional credit for a Bachelor's Degree. Applicants shall receive one-half point credit for each year of part-time service in their respective divisions.~~

(g) Repeating Examinations. No person who has failed to pass an examination shall be permitted to be re-examined for the same classification within six months of the date of the previous examination. However, the Director may, if the examination is determined to be unfair or unjust, permit person who have failed an examination to be re-examined before the expiration of the six month period, but in no case prior to sixty days from the date of such failure. When such re-examination occurs, physical examinations need not be repeated, but rather the applicant's score in the previous examination may be used. Applicants disqualified ~~and removed from an eligible list~~ because of an unsatisfactory background investigation may ~~not~~ repeat an examination for the same classification ~~after three years from date of disqualification.~~

(h) Inspection of Examination Papers by Candidates.

(1) All selection and grading devices and examination papers are the property of the City, and shall be treated as confidential records to the maximum extent possible under law.

(2) Upon receiving notification of the examination grade, applicants may review the keyed copy of the written examination and their own answer sheet, which is identified by their number received during the examination. The criteria and standards used for non-written examinations may also be reviewed during the period herein provided. This review must be requested within five days exclusive of Saturdays, Sundays and holidays, from the date of mailing the applicant's notification of the examination grade. Review must take place in the presence of the Director or a person designated by the Director. Notetaking in regard to the exam content shall not be permitted. If the applicant believes a clerical error has been made, a request for the correction shall be made to the Director. The scoring by the examiners shall be deemed prima facie correct. No examination paper or any part thereof shall be subject to alteration, addition or deletion by the applicant except that any manifest error of scoring may be corrected by the Director. Additional testing procedures or investigation may continue during the time period provided for review.

(3) Any applicant who exercises the right to inspect examination papers shall not be permitted to take an examination for the same classification within six months of the inspection, unless a totally different examination form is used.

(i) Preservation of Examination Papers. Applicants and examination papers of all candidates for employment shall be kept on file in the office of the Director for at least one year. (Ord. 1978-49. Passed 10-16-78.)

133.05 ELIGIBLE LISTS.

(a) Establishment of Eligible List. The scores or final standing of each applicant shall be provided to the Civil Service Commission at the completion of the examination. From the returns of each competitive examination, the Director shall prepare an eligible list of the persons whose grades in the examination are not less than sixty-five percent or who meet the minimum performance level and who are otherwise eligible. The eligible list shall be established in the order of scores or ratings, with the highest score or rating being at the top of the list, and the lowest score or rating being at the bottom of the list. The grade of any applicant failing to qualify shall not be made public.

In an open competitive or lateral examination for original appointment, if two or more applicants receive the same grade, priority in time of filing the application shall determine the order in which their names shall be placed on the eligible list.

As soon as the grading and rating of an examination have been completed and an eligible list is established, all applicants shall be notified in writing of their individual score or rating, and if successful, of the applicant's final average and related position on the eligible list.

(b) Duration of Eligible List. An eligible list shall be in effect for one year from the date on which it is established by the Director provided, however, that any list that has been reduced to less than three names may be abolished at any time by the Director, except when such eligibility list consists of persons laid-off from the classification for which the eligible list exists. **The Director of Administration may request an extension of the eligible list up to six additional months or request that the Commission abolish the eligible list after six months.**

(c) Causes for Removal from Eligible List. The Director may at any time remove the name of an applicant from any eligible list for any one or more of the following causes:

(1) Failure of applicant to reply to notice of certification within the time limit of such notice, unless reasons are presented that satisfy the Director.

(2) Rejection of the applicant for any of the causes listed in Section 133.03 (c).

- (3) Declination of appointment.
- (4) Failure to notify the Director of change of address.
- (5) For attempted deception, fraud or cheating in connection with any application or tests.

The applicants shall be notified upon being removed from the eligible list unless the whereabouts of the applicant is unknown or the address provided is inaccurate.

Reinstatement to an eligible list may be requested by the applicant in writing to the Commission within thirty days after notification of removal. Upon approval by the Commission, the name of such person shall be restored to the eligible list in a position determined by the grade obtained by the applicant on the examination.

A person certified from an eligible list more than three times for the classification, and is not appointed, may be omitted from future certification from that classification.

(d) Change in Address. Applicants shall notify the Director in writing of any changes in address while their names remain on the eligible list. (Ord. 1978-49. Passes 10-16-78.)

133.06 CERTIFICATION.

(a) Certification from Eligible List. Upon receipt of an eligible list for a classification, the Civil Service Commission shall certify to the Director of Administration the names of the three persons standing highest on the eligible list. When more than one vacancy is to be filled in a classification, the Commission shall certify the number of names equal to the number of vacancies to be filled and three more in addition thereto; provide, however, that a few number may be certified when there is not the required number on the eligible list. No person shall be certified from a promotional eligible list while permanently separated from employment by the City.

(b) Placement of Lay-Offs on Eligible List. When any regular appointee is laid off, the name of such person shall be placed at the top of the eligible list for the classification from which the employee is laid off. If there is no existing list at the time, the name of such person shall constitute one. When two or more person have been laid off, whether at the same time or not, their names shall be placed at the top of such eligible list in the order of their appointment in the classification held by them when laid off. Such persons shall be eligible for certification and reappointment for a period of two years thereafter.

(c) Waiver of Certification. An eligible may waive certification by notification to the Director. A waiver of certification shall remain in effect until withdrawn, at which time the eligible is reinstated to the position originally held on the eligible list. A waiver may not exceed six months and may not be used more than two times. After two waivers, or after six months have passed on a waiver, the eligible name shall be removed from the eligible list. Whenever one or more of the eligible who have been certified waive certification or fail to respond to notice of certification, the Commission shall supplement the certification from the eligible list by an equal number of additional names.

(d) Objection. If the Director objects to the certification of any eligible, the specific reasons for the objection shall be given in writing to the Commission. Any cause contained in Section 133.03(c) shall be deemed sufficient reason for objection, but the Commission may approve objection for other causes. The person against whom objection is made may be granted a hearing by the Commission, at which time the Director may present the objection. If the objection is sustained by the Commission, the next highest name on the eligible list shall be certified. (Ord. 1994-54. Passed 12-9-94.)

133.07 APPOINTMENTS.

(a) Investigation of Eligibles. Upon the establishment of an eligible list, the Director of Administration may conduct or authorize an investigation as to whether the eligible possess the necessary standards of health, physical attributes and mental soundness necessary to perform the duties and responsibilities of the position sought. The eligible may be investigated prior to certification.

The investigation may include physical fitness examination, ~~medical examination and psychological and/or psychiatric~~ examination, polygraph examination, background investigation, personal interview or any other method necessary to ascertain the qualifications and ability of the applicant.

If the eligible is found during the investigation to be unqualified or unsuitable for the position, such person may be removed from the eligible list. Upon notification to the Civil Service Commission of such rejection and the reasons thereof, an additional name shall be certified to replace each eligible removed.

The person against whom objection is made may appeal such rejection to the Commission within five days after mailing such notification.

(b) Permanent and Promotional Appointments. After certification of the eligible by the Commission to the Director, the Director shall recommend to the Mayor the name or names of persons to be appointed or promoted from the eligible list. The Mayor may follow the recommendation of the Director, or may appoint or promote another on the eligible list. The Commission shall be notified in writing upon such appointment or promotion. Appointments or promotions may only be made to authorized positions.

(c) Temporary Appointments. Part-time and temporary employees may be appointed by the Mayor, by non-competitive examination, from a list maintained by the Director for such positions. ~~No such appointment shall be made to any full-time permanent position in the classified service.~~ The Commission shall be notified in writing of all such appointments.

~~C.E.T.A. employees hired after October 1, 1978 shall be considered temporary employees.~~

Part-time and temporary employees may be dismissed at any time, and do not have the same rights and privileges as permanent employees, except where so granted. Such employees are hired and serve under the following conditions:

(1) Must have the previously established minimum qualifications required for the specific classification.

(2) Are not eligible to transfer to another position.

(3) Are not eligible to take promotional examinations.

(4) Do not serve a probationary period.

(5) Are not placed on an eligible list during lay-off.

(d) Provisional Appointment. When it is urgent that an immediate appointment be made to fill a vacant, authorized position, and no eligible list exists for the position, the Mayor may make a provisional appointment to that position. Prior to such appointment the Director shall notify the Commission, ~~who shall approve the appointment.~~ ~~Among sworn officers of the Police and Fire Divisions, provisional appointments may only be made by appointing the next lower available rank to fill such positions.~~ In no case shall a provisional appointment continue longer than ~~120~~ 180 days, or until an appropriate eligible list is established, whichever occurs first.

(e) Emergency Appointment. In time of extreme emergency that poses a threat to public health, safety or welfare, and it is necessary to employ one or more persons, the Mayor may, without consulting the Commission, appoint a qualified person or persons during the period of emergency, but in no such case for a period exceeding fifteen days.

Emergency appointments, with the reasons therefor, shall be reported to the Commission as soon as possible after the action is taken, but in any event within three days. The Commission may inquire into the nature of the emergency and reject the appointment if it is found that no emergency existed. (Ord. 1978-49. Passed 10-16-78.)

(f) Division of Police and Fire Lateral Hire. There shall also be a lateral hire process. Subject to Civil Service Rule Sections 133.04, 133.05, 133.06 and 133.07(a) an eligible certified hire list will be generated as provided below:

(1) In response to an advertisement, applicants must submit an employment application to the Department of Human Resources. In addition, candidates must conform to all minimum requirements of the Civil Service Commission Rules and Regulations. And all applicants must meet the following prerequisites:

(i) An applicant must currently or have previously been employed as a full-time firefighter or peace officer;

(ii) An applicant must meet all position requirements, as outlined in the posted advertisement; and

(iii) For applicants previously employed, there shall be no more than a one-year break in service from previous employment as a peace officer or firefighter.

(2) The Police Chief or Fire Chief, in conjunction with Human Resources and Director of Administration, will review resumes and applications to determine which applicants meet the lateral entry criteria.

In addition, lateral entry candidates may be required to submit to the following evaluations, including but not limited to, a thorough background investigation, polygraph or CVSA examination, physical, psychological and medical evaluation (post offer), oral interview and drug screening.

(3) Candidates appointed to police officer through these procedures will be hired at a wage step commensurate with prior peace officer service and firefighters will be hired at Class B first year. All candidates must also successfully complete the probationary period. Employees selected through these procedures shall obtain and retain all other rights attributed to the classified service, following successful completion of the probationary period.

(4) If a police officer or firefighter is hired under the lateral process, then after the lateral list expires or is abolished, the next hire must be made from an entry level certified eligible list.

(5) If a layoff exists, then the appointment will be subject to the City Civil Service Rules and Regulations.

(6) The Civil Service Commission is authorized to promulgate rules and regulations for the administration of the test and selection methodology not inconsistent with this section.

133.08 PROBATIONARY PERIOD.

(a) Purpose. The probationary period shall be regarded as an integral part of the examination process and shall be used for closely observing the employee's work, for securing the most effective adjustment of a new employee to a new job and for dismissing any employee whose performance does not meet required work standards.

(b) Probation. ~~All~~ Permanent original appointments to the classified service, ~~except classified service with the Division of Police,~~ shall serve a one year probationary period from the date of such appointment. ~~For permanent original appointments to the classified service in the Division of Police, a probationary period shall begin the first day of employment and end one year following the first day of field training.~~ A probationer may be discharged without cause at any time within the probationary year.

All permanent promotional appointments in the classified service shall serve a probationary period of ~~ninety one year days~~ from the date of such promotion. If during that period the service of the employee so appointed is not satisfactory, the employee may be reduced to the position from which the promotion was made.

No permanent appointment or promotion shall be deemed final until the appointee has satisfactorily served the probationary period.

(c) Probation Reports. All classified employees shall be evaluated in writing during their probationary period. The employee's supervisor shall prepare and transmit to the Director of Administration an evaluation of the performance of the probationary employee upon a form approved by Council. A probationary employee, upon request, shall be entitled to a copy of such evaluation.

For original permanent appointees, a report shall be completed quarterly ~~after the original date of appointment~~ ~~after the commencement of the probationary period,~~ with the final report completed five days prior to the expiration of the probationary period. Promotional appointees shall be evaluated ten days prior to the expiration of their probationary period.

(d) Absence During Probationary Period. Whenever a probationary employee is granted a leave of absence, sick leave or is laid off, suspended for discipline purposes, or is otherwise absent from work, the length of the probationary period shall be extended the length of such absence. Upon return to duty following such absence, such employee shall be required to service the unexpired portion of the probationary period. (Ord. 1978-49. Passed 10-16-78.)

133.09 PROMOTIONS.

(a) Method of Filling Vacancies. Vacancies in authorized positions above the lowest classifications in the classified service shall be filled, as far as practicable, by promotions. All promotional ranks within the Division of Police and Division of Fire shall be filled by promotion, except as otherwise provided in the Charter or these Codified Ordinances. In regard to all other positions, the Director of Administration shall in each case determine whether or not it is practicable to fill a position by promotion, and from what classification or classifications such promotion shall be made and the type of examination to be used for the promotion. The Director may authorize a single combined open and promotional examination for the same position.

Eligibility for a promotional examination shall be limited to permanent employees who have satisfactorily completed their probationary period in a designated class or classes, and have received a satisfactory rating average on the last two most recent evaluation reports.

However, when an open examination will be given for a promotion, employees serving their probationary year in another position may take the open examination. If such employee is certified and receives the promotion, the employee's probationary period in the new position shall be the greater of ninety days from the date of promotion, or the balance of the probationary year dated from the time of original appointment with the City.

When a vacancy in a promotional position has been announced, and an insufficient number of qualified applicants are available for either an open or promotional examination, then, with the approval of the Commission, such promotional position may be under filled by provisionally appointing to the position a City employee who has less than the minimum qualifications for the position. During the provisional period, the employee shall receive training for the position.

At the completion of the provisional period, the employee shall receive permanent promotion upon passing a promotional examination, or demonstrating to the satisfaction of the Commission, that the employee is qualified for the promotion.

(b) Promotional Examinations in Police and Fire Divisions. All regular sworn members of the ~~Police and~~ Fire Division ~~above the rank of firefighter, above the rank of patrolman or firefighter, respectively,~~ who have completed five years of service ~~in their respective divisions~~ as a regular sworn members, may take the examination for Chief ~~.of their respective divisions.~~ All regular sworn members of the Police Division, in the job classifications of Lieutenant, Captain and Assistant Chief, may take the examination for Chief. In addition, the Mayor may nominate two additional candidates to take the examination for Chief in each division. Except for the position of Chief of each division, no position above the rank of ~~firefighter fireman~~ and patrolman in their respective divisions shall be filled by original appointment.

(1) When a vacancy occurs among sworn officers in the Fire Division, it shall be filled by promotional examination which shall be open to persons employed within the division as follows: lieutenants with at least three years' service in addition to the required one year probationary period shall be eligible for the examination for assistant chief. Regular ~~firemen~~ ~~firefighters~~ with at least five years' service in addition to the required one year probationary period shall be eligible for the examinations for assistant chief and/or captain. ~~Regular firemen with at least three years' service in addition to the required one year probationary period shall be eligible for the examination for captain. After successful completion of the one year initial probationary period,~~ Regular ~~firemen~~ firefighters with at least two years' service in addition to the required one year probationary period shall be eligible to take the examination for lieutenant. Whenever such promotional examinations are given, lieutenants shall be eligible to take the examination for captain; captains shall be eligible to take the examination for assistant chief.

(2) For the purpose of this ~~session~~ section, two or more persons who are eligible are required to take the promotional examination for the examination to be deemed competitive.

When a vacancy occurs among sworn officers in the Police Division, it shall be filled by promotional examination which shall be open to persons employed within the Division. ~~as follows: lieutenants shall be eligible for the examination for captain. Sergeants shall be eligible for the examination for lieutenant.~~

Police officers, who have successfully completed the one year initial probationary period, shall be eligible to take the examination for sergeant. ~~Police Officers and Sergeants, who have successfully completed the probationary period, shall be eligible to take the examination for Lieutenant. Police Officers, Sergeants and Lieutenants, who have successfully completed the probationary period, shall be eligible to take the examination for Captain. Captains and Lieutenants, who have successfully completed the probationary period, shall be eligible to take the examination for Assistant Chief. In the event there are not enough sergeants to make a lieutenant's examination competitive, police officers shall become eligible for lieutenant's examination. (Ord. 1998-2. Passed 1-5-98.)~~

(c) Unassembled Promotional Examinations. Whenever there are three or less eligible City employees to compete in a promotional examination, an unassembled examination may be given to the applicants to determine their ranking on the eligible list. In exceptional cases, the Commission may authorize the promotion of an eligible employee upon presentation of satisfactory evidence that competition is impractical.

Promotional examinations in the Police and Fire Division shall be conducted only according to Section 133.09(b).

(d) Grading of Promotional Examinations. Promotional examinations shall be graded in accordance with Section 133.04 (f). The candidate's final score shall be determined by adding seniority credit points and/ or higher education credits to the total examination score. No candidate shall receive more than a maximum of seven and one half points for higher education and/or seniority credits combined.

(e) Seniority credit shall may be given at a rate of one half point credit for each year of continuous service with the City, up to a maximum of seven and one half points. ~~based on continuous service with the City up to a maximum of fifteen years. One half point shall be added for each year of service with the City.~~ In promotional examinations for sworn officers of the Police and Fire Divisions, credit for seniority shall be based only on service in the Police and Fire Divisions, respectively.

(f) Higher education credits for promotional candidates may be given at a rate of two and one half points credit for an Associate's Degree in a related field or five points credit for a Bachelor's Degree in a related field. ~~No candidate shall receive more than a maximum of seven and one half points for higher education.~~ For Police promotional candidates, higher education credits will only be considered after two years of full-time service.

Efficiency credit shall not be a factor in determining the final score, except that a satisfactory average of the two most recent evaluation reports in the employee's class is necessary to be eligible to take a promotional examination.

When a tie exists after calculation of the final score, including seniority and higher education credits, then seniority in the classification from which the promotion is sought shall determine the order of the scores. If a tie still exists, then the final score by which the applicants obtained the classification from which the promotion is sought shall determine the order of the scores. (Ord. 1978-49. Passed 10-16-78.)

133.10 UNSKILLED SERVICE.

(a) Unskilled Positions. Pursuant to Section 5.03 of the Charter, the following shall comprise the unskilled service of the City, which need not be selected by competitive examination: Receptionist, Laborer, Equipment Operator I, Assistant Operator (Water Pollution Control and Water Production), Operator (Water Pollution Control and Water Production), Utility Technician, Account Clerk, Recreation Specialist, Meter Enforcement Aide, Dispatcher, Custodian, Parking Meter Technician.

(b) Original Appointments to Unskilled Positions. When a vacancy in an unskilled classification is to be filled by original appointment, such position shall be advertised as provided in Section 133.04, and applications made to the Director of Administration. The Director shall evaluate the applications and give tests as necessary to determine the qualifications of such applicants. A priority list of applicants shall be compiled by the Director, a copy of which shall be submitted to the Civil Service Commission, from which appointments shall be made.

(c) Promotional Appointments to Unskilled Positions. Promotions into unskilled positions as listed in Section 133.10(a) shall be made as provided in Section 133.09, except that competitive examinations need not be used to establish the eligible list. The Director shall evaluate the applications and give tests as necessary and appropriate to determine the qualifications of the applicants. A priority list of applicants shall be compiled by the Director, a copy to which shall be submitted to the Commission, from which the promotions shall be made. (Ord. 1978-49. Passed 10-16-78.)

133.11 TRANSFERS, LEAVES OF ABSENCE AND RESIGNATIONS.

(a) Transfers. Except for sworn officers of the Police and Fire Divisions, the Director of Administration may transfer any employee from the position held to a like position in the same or another division. In addition, any employee may request transfer to a like position in another division, conditional upon the approval of the Director and the head of the division to which the employee wishes to be transferred .

(b) Leaves of Absence. A leave of absence **without pay** for cause may be granted by the Director for a definite period not to exceed one year, provided that the absence does not disrupt City operations. Such leaves shall be without pay or benefits, except as authorized by the Director.

Leaves of absence may be granted for physical disability, for study or training of value to public service, for maternity leave, or for any other purpose approved by the Director.

A request for leave of absence shall be presented to the Director in writing at least twenty days' prior to the start of the leave, unless the Director consents to a shorter notice.

Holiday pay, sick leave, hospitalization, vacation, seniority and other benefits shall not accrue during leave of absence.

Failure to return to work on schedule from a leave of absence shall be considered a resignation.

(c) Resignation. Any employee in the classified service who desires to resign in good standing shall give a written notice to the employee's division head at least two weeks prior to the date the employee intends to leave, unless the division head consents to a shorter period. Then the division head approves such request, it shall be forwarded to the Director, who shall in turn notify the Civil Service Commission.

If an employee has been served with a dismissal notice, and such notice has been filed with the Commission, and the employee thereupon resigns, the acceptance of the resignation constitutes resignation in bad standing. The charges pending shall be deemed withdrawn and the proceeding shall be dismissed without judgment. The resignation shall be effective immediately and the employee may not be reinstated.

(d) Reinstatement. **At the discretion of the City,** any employee in the classified service who has resigned in good standing may, within one year of the effective date of such resignation, request from the Director in writing reinstatement to the position from which the employee resigned. Upon approval of the Director, the employee's former division head and the Commission, if a vacancy exists, the employee may be reinstated to the classification from which the employee resigned. If no vacancy exists, the name of the employee **shall may** be placed at the top of the eligible list for the classification from which the employee resigned. If no eligible list exists, such persons named shall constitute an eligible list. However, where such eligible list includes the names of laid off employees, the laid off employees shall take priority over employees who have requested reinstatement. In the uniformed ranks of the Police and Fire

Divisions, reinstatement shall be to the position of patrolman or fireman~~firefighter~~, regardless of the former position held.

(e) Absence Without Leave. Absence from duty without authorized leave for three consecutive work days shall constitute resignation in bad standing. However, if within three days of the effective date of such resignation the employee submits sufficient evidence explaining that the employee was physically or mentally unable to notify the Director or his supervisor, the Director may authorize reinstatement. For this subsection (e), "work day" means the days the employee is regularly scheduled to work.

This section does not preclude discipline or dismissal action for a shorter period of absence of sufficient seriousness.

~~(f) — Retirement. Pursuant to Section 5.04 of the Charter, retirement shall be compulsory at the age of sixty five for employees in the classified service. The effective date of retirement shall be the employee's anniversary of public employment after reaching age sixty-five.~~

~~(Ord. 1978-49. Passed 10-16-78.)~~

133.12 PERFORMANCE EVALUATION.

The Director of Administration shall require supervisors to complete annually evaluation reports of each non-probationary employee. Such reports shall be on forms provided by the Director. The completed evaluation report shall be presented to the employee for review and discussion, and must be signed by the employee. No alterations shall be made to the evaluation report after it has been signed by the employee.

When the evaluation report has been marked, reviewed and signed, a copy shall be furnished to the employee, a copy shall be retained in the employee's department, and the original shall be sent to the Director.

~~Step increases in compensation and promotional opportunities shall be dependent upon an employee maintaining satisfactory standards of efficiency. Employees with a performance rating average of less than satisfactory for the year immediately preceding their step increment date shall not be eligible for a step increase until a satisfactory service rating average is attained. Candidates for promotional examinations are required to have a satisfactory performance rating average for the year immediately preceding the examination.~~

Any permanent employee who receives a performance rating average of less than satisfactory shall have ten days from receipt of notice thereof to file an appeal with the Civil Service Commission setting forth supporting facts and evidence that the performance rating was not properly determined. The Director shall, prior to the Commission hearing, inquire of the employee, the employee's supervisors, and the appointing authority with respect to the appeal, and submit a report of findings to the Commission. The Commission may amend a performance rating that averages less than satisfactory if it ascertains that the rating was determined arbitrarily or totally without regard to actual performance. In the event an employee is rejected for promotional examination due to a less than satisfactory service rating average for the rating year preceding the examination and the ten day appeal time has not expired, the employee must file the performance rating appeal within five days of the receipt of the rejection notice, in order to be granted conditional acceptance to the examination pending the consideration of the appeal by the Commission. In the event the Commission amends the employee's performance rating to the extent necessary to qualify for the promotional examination, the examination will be graded and

if a final passing grade is obtained, the employee's name will be merged to the eligible list. Such employee shall be eligible for certification thereafter in accordance with the eligible list. (Ord. 1978-49. Passed 10-16-78.)

133.13 LAYOFFS AND REEMPLOYMENT.

(a) Reduction in Personnel. Whenever it becomes necessary to reduce the number of employees in the classified service **by abolishing one or more positions**, the Director of Administration shall have the power to designate the classifications, divisions and departments to be affected by such layoffs. The Director shall notify the Civil Service Commission and furnish the names of the employees in the order in which such layoffs occurred.

(b) Order of Layoffs. Whenever it becomes necessary to reduce the working force in a classification in any division of the City, the Director shall lay off employees inversely in order of seniority credit. No layoffs shall be affected or influenced by politics, religion, sex or race, and no layoffs shall be used as a substitute for disciplinary action.

In the event two or more employees of the same status in the same classification are subject to layoff and have the same seniority credit, the order of layoff shall be according to their final average grades on the examination passed to obtain such classification. The employee with the lowest grade shall be laid off first.

Any permanent employee who has been promoted and is subject to layoff shall be entitled to return to the position from which the employee was promoted. If such former position has been filled, the employee in that position shall be demoted into the lower position occupied prior to the promotion. This process shall continue until the most recently hired employee affected by such demotions shall be laid off.

(c) Seniority Credit. Seniority credit shall be the amount of continuous service an employee has accumulated in the service of the City, according to the following rules:

(1) Any permanent employee who has served as a temporary or probationary employee and who has achieved permanent status with no interruption in service shall receive seniority credit for the continuous service during the period served as a temporary or probationary employee.

(2) Part-time employees shall have their continuous service pro-rated as it relates to full-time when determining seniority credit for layoff purposes.

(3) Any leave without pay other than sick leave, injury leave or military leave shall be subtracted when computing the continuous service of an employee for purposes of determining seniority credit.

(4) The continuous service of a permanent employee who has resigned and been reinstated shall be computed from the time of the last reinstatement and no seniority credit shall accrue for service prior thereto.

(d) Re-employment List. When any permanent employee is laid off, the name of such person shall be placed at the top of the eligible list of the classification from which the employee was laid off. If there is no existing eligible list at the time, the name shall constitute one. When two or more persons have been laid off, whether at the same time or not, their names shall be placed at the top of such eligible list in the order of their appointment in the classification held by them when laid off

Such persons shall be eligible for certification and reemployment for a period of two years thereafter, or, if sooner, until such time as the employee is removed from the eligible list for the reasons provided in Section 133.05(c).

(Ord. 1994-54. Passed 12-19-94.)

133.14 DISCIPLINE.

(a) Disciplinary Action. The tenure of every employee in the classified service shall be during good behavior and efficient service. Any employee in the classified service who has completed the probationary period may be dismissed, suspended or demoted for just and reasonable cause and upon specific written charges.

(b) Disciplinary Procedure. The Mayor, Director of Administration or a department or division head of the City may prefer charges and suspend, demote or dismiss a classified employee. Such person shall serve the employee with written notice of the charges preferred and written notice of the action taken. A copy of such charges shall also be filed with the Director and the Civil Service Commission.

The disciplined employee may request a hearing with the Director to appeal the action of a department or division head, which shall be scheduled within three days after the request for appeal. Upon hearing such appeal, the Director shall issue an opinion in writing within three days after the hearing that may affirm, deny or modify the disciplinary action. Upon receiving the written opinion of the Director, or at the date of mailing the letter containing the Director's opinion, the time period for appealing to the Commission shall commence.

(c) Appeal. A suspended, demoted or dismissed employee may appeal in writing to the Commission within ten days of the delivery of charges. The Commission shall hear the appeal not less than twenty days, or more than thirty days, after receipt of a written timely request for a hearing.

(d) Hearing. The hearing shall be conducted with at least two members of the Commission present. The hearing shall be in public unless waived in writing by the employee prior to the time of the hearing.

The Commission shall hear the evidence upon the specific charges as filed by the officer preferring charges. No material amendments or additions to the charges may be considered by the Commission once the charges have been filed.

The proceedings shall be as informal as is compatible with the requirements of justice, and the Commission need not be bound by formal rules of evidence or procedure. The Commission may make inquiry in the matter through oral testimony and records presented at the hearing, which is calculated to ascertain the rights of the parties and to justly carry out the provisions and spirit of the Charter and these regulations.

The testimony taken at the hearing shall be under oath, administered by the Commission. The Commission shall have the power to subpoena and require the attendance of witnesses and the production of pertinent records. The Commission may continue the hearing as is necessary and required to receive all relevant testimony and evidence.

(e) Ruling. The Commission by majority vote may affirm, disaffirm or modify the disciplinary action, and may award retroactive pay and benefits or other relief as appropriate. It shall report its findings and decision to the Director, who shall be required to have such decision implemented. The decision of the Commission shall be a final order, which may be appealed to the Court of Common Pleas of Wayne County within thirty days of the Commission's decision.

(f) Demotion for Causes Other Than Disciplinary Action. When an employee becomes physically or mentally incapacitated in the performance of the duties of a position, the Director, with approval of the employee and the Commission, may reduce the employee to a vacant

position in a lower classification which the employee has the ability to fill, at a pay range assigned to such lower classification .

Such a demotion may also be made for any other reason upon the written request of the employee and consent of the Director.
(Ord. 1978-49. Passed 10-16-78.)

133.15 ADMINISTRATION OF CIVIL SERVICE.

(a) Administration. The Civil Service Commission shall enforce the civil service laws and regulations applicable to the City. The Director of Administration shall be the administrative officer of the Commission, and may act on behalf of the Commission in administering the civil service laws and regulations, except where the authority is specifically reserved to the Commission. The Commission shall have the power to hear appeals regarding implementation of any civil service laws and regulations.

(Ord. 1978-49 . Passed 10-16-78.)

(b) Civil Service Commission. The Commission shall consist of three members appointed by the Mayor with majority consent of Council to serve for a term of six years. In accordance with §4.06 of the Charter, no member shall serve for more than twelve consecutive years. Not more than two members of the Commission shall be adherents of the same political party. An appointment to fill an interim vacancy shall be for the unexpired term of the office.

The Commission shall elect one of its members as chairman, one as vice-chairman and one as secretary. The chairman shall preside over all meetings, sign the minutes of all actions taken by the Commission, call such meetings as the Commission finds necessary to transact business and affairs of the Commission, and represent and act for the Commission in matters relating to civil service.

The chairman may, on his own initiative, and shall upon request of the other two members of the Commission, call a meeting of the Commission to be held not later than seven days after the date of the notice of the meeting. A special meeting may be called on not less than twenty-four hours' notice to the news media and the parties involved. In the absence of the chairman, the vice-chairman will act as chairman. Two members of the Commission shall constitute a quorum at any meeting of the Commission and it shall require the affirmative vote of at least two members to adopt any motion or resolution, or take any official action.

The secretary shall be elected from the members and shall keep the minutes of the Commission and administer over the files thereof. The secretary shall also prepare and deliver notices, correspondence and other communication authorized by the Commission and maintain eligibility lists. The secretary shall perform such other duties as may be required by the Commission . (Ord. 2011-02. Passed 2-7-11.)

(c) Suspension and Removal of Commission Member. The Mayor may at any time suspend or remove any Commission member for neglect of duty, misfeasance, nonfeasance, or malfeasance in office having first given to such member a copy of the charges setting forth the specific complaint. An opportunity shall be given such member to be publicly heard before Council, in person or by counsel in his own defense. A request for hearing before Council must be filed with the Clerk of Council within ten days of receiving the charges. Only upon the affirmative vote of the majority of the members of Council hearing such charges shall the

Commission member be removed from office. In no event shall Council hear such charges unless two-thirds of the voting membership of Council are present. (Ord . 1978-49. Passed 10-16-78.)

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

SECTION 3. This Ordinance is 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 protect the public and the City; 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: 9-5-17 2nd reading: _____ 3rd reading: _____

Passed: _____, 2017 Vote: _____

Attest: _____
 Clerk of Council President of Council

Approved: _____, 2017
 Mayor _____

Introduced by: Barb Knapic



Robert F. Breneman, Mayor

CITY OF WOOSTER

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P.O. Box 1128
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CIVIL SERVICE COMMISSION

The Civil Service Commission met Tuesday, July 18, 2017, to review the recommendations and changes proposed for Chapter 133, Civil Service Rules and Regulations, of the Wooster Codified Ordinances.

Present were Commission Members, Steven Slack, and Reg Kramer. Absent was member Joe Retzler due to an injury.

The members are in agreement with the changes and recommended that City Council adopt the revisions.

Signed and dated this 20th day of July, 2017.



Reg Kramer, Commission Chair



Steven Slack, Commission Member

Request for Agenda Item Non-Capital

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

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

Civil Service Rules and Regulations are in need of update to reflect several law changes that have not been added.

Our Safety Services divisions have requested changes to the Civil Services Rules and Regulations in order to aide in the recruitment of qualified candidates for positions.

These changes have been sent to the Civil Service Commission for review and approval. The Civil Service Commission voted to recommend these changes to Wooster City Council for a vote.

Main Issues

Legal updates and clarifications

Update part-time to comply with ACA changes

Updates for Safety Services hiring and testing

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

Manager Requesting

Date

Approved for Agenda

ORDINANCE NO. 2017-27

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

WHEREAS, the Director of Administration has recommended that certain management positions be created and assigned to the ordinance on Management Positions for placement into an appropriate pay range.

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.

(a) 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>
Accountant I	Unclassified
Accountant II	Unclassified
Administrative Assistant	Unclassified
Assistant City Engineer	Unclassified
Assistant Fire Chief	Classified
Assistant Police 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
Development Coordinator	Unclassified
Engineering Manager	Unclassified
Finance Manager	Unclassified
Fire Chief	Classified
Human Resources Manager	Unclassified
Human Resources Specialist	Unclassified
Human Resources Coordinator	Unclassified
Information Systems Manager	Unclassified

Currently, the Wooster Police Department is structured as follows:

- Chief of Police
- Police Captain
- Lieutenants (2) – Both positions currently vacant
- Sergeants (5) – Currently two vacant positions
- Patrolmen

The Current Issue:

The issue with the current structure is that all of the supervisory positions below the rank of Police Captain are members of the Ohio Patrolman's Benevolent Association Union. This is the same union that all of the patrolmen are a part of. While on its surface this may seem innocuous, having both officers and supervisors in the same union is problematic. Sharing a union membership with those that one supervises causes an inherent conflict of interest between supervisory duties and providing union representation. This results in supervisors struggling with holding other union members accountable and hinders policy implementation. This structure also creates problems and conflicts relative to collective bargaining, as supervisors exercise management authority, and has access to confidential information used in collective bargaining. Lieutenants currently enforce discipline, and work closely with management, provide information, and make recommendations to management, and then often sit on the other side of the negotiation table.

The Wooster community should expect and deserves accountability of its public servants and especially of its peace officers. Transparency of actions, including discipline and holding officers accountable is of paramount importance to building community relationships and public trust. In addition, the current police administration will settle for nothing less than accountability amongst its officers.

The Proposed Solution:

- Chief of Police
- Assistant Chief **(New)**
- Captains (2)
- Lieutenants (2) – Left unfilled
- Sergeants (5) – Currently two vacant positions
- Patrolmen

Many agencies in the state of Ohio are currently operating under a rank structure of Chief, Captains (3), and Sergeants. (Examples: Fairborn, Kettering, Springfield, Beavercreek, Sidney). Many of these agencies are similar in size to the Wooster Police Department. Operating under a structure that includes multiple captains and no lieutenants effectively negate the conflict of interest between supervisory/management responsibilities and union representation, as these Captain positions are considered management and therefore are non-union positions. In addition, holding the captains

accountable to do their job becomes easier as the police union is not involved in trying to negate or reduce discipline for a captain who is unwilling or unable to perform his or her job.

This proposal involves the creation of one new position, Assistant Chief, and the filling of a second Captain position. Rather than operate under a three captain structure as many agencies in the state are, I would recommend following a model similar to the Mansfield Police Department. Mansfield currently operates with a structure similar to what I have proposed with a Chief, Assistant Chief, and two Captains. (Mansfield also has 6 Lieutenants and 13 Sergeants in their rank structure but they are a larger organization.) This model is very similar to the three captain model illustrated above. This model would also be similar to our current Fire Department structure.

The civil service rules would require Assistant Chiefs to have previously served in the position of Lieutenant or Captain.

The filling of a second captain position is not new to Wooster Police Department as this agency once operated under a two captain model in the late 70's and early 80's. The lieutenant positions would not be filled as they are vacated, which would result in no increase in staff. The operational cost difference would be minimal, due only to the salary differences between Lieutenants, Captains, and an Assistant Chief.

Request for Agenda Item Non-Capital

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

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

Adding of two job titles:

Assistant Police Chief – Police department is preparing for reorganization. The job title change will align the management structure in safety services. In addition, the structure will be similar to other agencies. (Also see Chief Fisher’s justification)

Human Resources Coordinator – The HR department has historically had 1-2 part-time HR Coordinators with up to 4 employees in the department. Our current staff is 2 full-time employees. Due to the workload and additional HR support services to the WARCOG additional staff in the HR department is needed. The WARCOG is currently reimbursing a portion of the costs for HR services provided by the City.

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

Manager Requesting

Date

Approved for Agenda

RESOLUTION NO. 2017-40

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF SR 83 WITHIN THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (Ulbright)

PRELIMINARY LEGISLATION

Ordinance/Resolution No. 2017-40 PID No. 92892
Project Name WAY SR 0083 14.64

The following Resolution enacted by the City of Wooster of Wayne County,
(Ordinance/Resolution)
Ohio, hereinafter referred to as the City, in the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the State has identified the need for the described project:

Wooster Urban Paving:

The Purpose of this project is to perform pavement repairs and resurface State Route 83 in the city of Wooster from SLM 14.64 (end concrete pavement) to SLM 16.30 (Wooster NCL, Existing Joint).

Approximately 2.62 miles of this project is within the Wooster Corporation Limits.

Construction is tentatively scheduled to begin in the spring of 2018.

NOW THEREFORE, be it ordained by the City of Wooster of Wayne County, Ohio.

SECTION II - Consent Statement

Being in the public interest, the City gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The City shall cooperate with the Director of Transportation, for the portion of this project within the Wooster Corporation limit, as follows:

- 1) *ODOT agrees to assume and bear one hundred percent (100%) of the preliminary engineering costs, and environmental studies costs.*
- 2) *ODOT agrees to assume and bear eighty percent (80%) of the roadway construction and construction engineering costs;*
- 3) *The City agrees to assume and bear twenty percent (20%) of the roadway construction and construction engineering costs;*

SECTION III - Cooperation Statement continued.

- 4) *ODOT and the City agree that the following roadway construction items are eligible for 80% ODOT/20% City funding: Pavement planing, asphalt overlay, treatment of shoulder, height adjustment to existing guardrail, pavement markings, temporary and fast dry, adjustments to catch basins, manholes, valve boxes, etc, mailbox supports & approaches, and work zone signs.*
- 5) *ODOT agrees to assume and bear one hundred percent (100%) of the bridge related costs.*
- 6) *The City further agrees to pay One Hundred Percent (100%) of the cost of the following construction items: Pavement repair partial & full depth, curbs, curb ramps, sidewalks, city owned signs, guardrail- replacement of deficient existing & required new locations, and those items requested by the City which are determined to be unnecessary by the State or Federal Highway Administration for the intent of this project.*
- 7) *A preliminary cost estimate for the city's share of this project is **\$170,500** for construction costs and **\$8,000** for construction engineering (inspection).*

SECTION IV - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the City shall:

- 1) Provide adequate maintenance for the described Project in accordance with all applicable state and federal law;
- 2) Provide ample financial provisions, as necessary, for the maintenance of the described project;
- 3) Maintain the right-of-way, keeping it free of obstructions; and hold said right-of-way inviolate for public highway purposes.

PID No. 92892
Project Name WAY SR 0083 14.64

SECTION V – Utilities and Right-of-Way Statement

If city owned utilities, within a corporation limit or in a private easement outside corporation limits, need to be relocated due to this ODOT project, the city will be reimbursed for any relocation work; ODOT will perform the coordination, relocation, and reimbursement which shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

If other public and private utilities need to be relocated due to this ODOT project they will not be reimbursed for relocation; with exceptions due to an easement, etc.

Passed: _____, 20____.
(Date)

Attested: _____
(Clerk)
(Officer of City - title)

Attested: _____
(Title)
(President of Council)

This resolution is hereby declared to be an emergency measure to expedite the highway
(Ordinance/Resolution)
project and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Division Engineering	Meeting Date Requested September 18, 2017
Project Name ODOT Urban Paving Program PID 92892	Approved for Agenda
Estimated Total Cost \$ 850,000; ODOT = \$680,000 (80%), Local Funds = \$170,000 (20%) (Capital Funds)	
Is Full Amount Budgeted <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If No, How Is The Purchase To Be Funded? Funding for this project will be included in the 2018 Appropriation Budget.	
Description Of Purchase This is a request to authorize the Mayor to enter into a cooperative agreement with the Ohio Department of Transportation (ODOT) as part of their Urban Paving Program for the resurfacing of SR 83 (Burbank Road) from just south of Milltown Road to just north of the roundabout.	
Justification/Benefits The Ohio Department of Transportation has committed to funding 80% of the construction costs for this project in FY 2018.	
Will This Project Effect the City's Operating Costs This project should have little or no effect on the City's operating costs.	
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.	
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 a request to simply accept the funds already awarded for this project, and is a requirement of the funding process.	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Note Reasons ODOT plan approval process cannot begin until this Legislation is passed and signed.	
Division Manager Roger Kobilarcsik	Date September 14, 2017

RESOLUTION NO. 2017-41

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), TO ACCEPT AND APPLY SUCH FUNDS, IF AWARDED, AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Public Works Commission (“OPWC”), through the State Capital Improvement Program, provides financial assistance to political subdivisions for capital improvements to public infrastructure; and

WHEREAS, the City of Wooster is planning to make capital improvements, replacing the waterline and resurfacing the pavement on Oakley Road between Burbank Rd, Arthur Drive, and Brookside Drive, with the total cost of the projects estimated to be \$970,000.00, of which the OPWC would fund approximately \$388,000.00; and

WHEREAS, the infrastructure improvement project described above is considered to be a priority need for the community and is a qualified project under the OPWC programs.

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

SECTION 1. That the Mayor, is hereby authorized to apply to the OPWC for grant monies as described above, and if such funds are awarded, to appropriate and apply the funds as indicated.

SECTION 2. The City, by its Mayor, is further authorized to execute any necessary documents in connection therewith for obtaining this financial assistance.

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 time is of the essence in making a timely application for the funds described above; 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.

Passed: _____, 2017

Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2017

Mayor

Introduced by: Craig Sanders

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

Division Engineering	Meeting Date Requested September 18, 2017
Project Name Brookside/Oakley Waterline and Pavement Resurfacing Project-OPWC Participation	Approved for Agenda
Estimated Total Cost \$970,000 If approved, the Ohio Public Works Commission would fund \$388,000 of project costs with grant funds, the remaining costs will be from the Capital Improvements Fund (\$180,000) and Water Funds (\$402,000).	
Is Full Amount Budgeted <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If No, How Is The Purchase To Be Funded? This project is scheduled for 2018 and 2019. The City's portion of the project will be budgeted in FY 2018.	
Description Of Purchase This is a request to authorize application for and acceptance of \$388,000 in grant money from the Ohio Public Works Commission for replacing the waterline and resurfacing the pavement on Oakley Road between Burbank Road and Arthur Drive and Brookside Drive. This project would install close to 5,000 linear feet of 8" ductile iron waterline, 50 water services, 10 fire hydrants and resurface both streets.	
Justification / Benefits This funding will cover 40% of the project costs with grant money. This project will replace the waterlines with a history of breaks (27 recorded) and resurface both streets.	
Will This Project Effect the City's Operating Costs This project should have little or no affect on the City's operating costs.	
What Alternatives Exist and What Are The Implications of The Alternatives We could postpone the project, which will push other projects further into the future, will cost more as construction costs increase, and have no guarantee of future funding. We could proceed with this project using other interest accruing financing methods.	
Is This A Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Explain The Circumstances OPWC is the only agency offering funding for this type of project at this time.	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Note Reasons The OPWC application has been submitted and passage and inclusion of this legislation is part of the application.	
Division Manager Roger Kobilarcsik	Date September 11, 2017

ORDINANCE NO. 2017-28

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH BAKER PROPERTIES, LLC, FOR CERTAIN TAX INCENTIVES, AND DECLARING AN EMERGENCY

WHEREAS, Baker Properties, Mt. Vernon LLC is a for-profit enterprise which desires to construct an approximately 89,980 sq. ft. rehabilitation to its warehouse/ manufacturing office facility in the city of Wooster, including a real property investment of \$500,000 to \$1,000,000 in new development, as well as the creation of approximately 30 new full-time positions, and it has requested tax abatement as an incentive to such rehabilitation; and

WHEREAS, the Wooster Growth Corporation, as the designated community improvement corporation for the City of Wooster, has reviewed the request for tax abatement and has recommended its adoption.

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

SECTION 1. That the Mayor is authorized to enter into an agreement on behalf of the City of Wooster with Baker Properties, Mr. Vernon, LLC for tax abatement. The terms of such agreement will include, but not be limited to, the following: (1) abatement of real property taxes of 75%; (2) for a maximum term not to exceed ten (10) years; (3) a provision that Baker Properties, Mt. Vernon, LLC will remain in Wooster for an additional year for each year of abatement, subject to the disgorgement of all abated taxes; and (4) such other terms as the Mayor, in his 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 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 construction project by Baker Properties, Mt. Vernon, LLC; 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: _____, 2017 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2017 _____
Mayor

Introduced by: Craig Sanders

Request for Agenda Item Non-Capital

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

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

Requested is Council's authorization in allowing the Mayor to enter into an Enterprise Zone agreement with **Baker Properties, Mt. Vernon, LLC** for a **75 percent, 10 year** real estate tax abatement on the improved value of a rehabilitation project proposed for **1909 Old Mansfield Road, Wooster, Ohio 44691**.

Baker Properties, Mt. Vernon, LLC will commit to making a real property investment of **\$500,000 to \$1,000,000** to repair the under-utilized 89,980 square-foot building to secure space for a confidential client that would bring **30 to 45 or more manufacturing jobs** into city limits, creating at least **\$884,520 in new payroll**.

Additionally, the work will secure space for **ABS Materials**, which will continue to operate its world headquarters from **1909 Old Mansfield Road**, retaining at least **five jobs** and **\$147,420** in payroll.

Specific to renovations, the Ohio Enterprise Zone Act, as cited in our Ordinance 2004-59, allows the abatement to be extended to any entity in exchange for "establishing, expanding, renovating, or occupying facilities and hiring new employees and preserving jobs within said zone".

Council previously approved a similar Enterprise Zone abatement for ABS Materials in 2012 at the same location, however the improvements performed were not robust enough to result in a tax increase, so there was never a benefit (ABS has since requested that the abatement be withdrawn.).

Baker Properties, Mt. Vernon, LLC very recently came into ownership of the building, following a purchase from the Wooster Growth Corporation, which had previously leased the building to ABS Materials. (At ABS Material's request, Wooster Growth mutually ended a lease-purchase arrangement to enable the sale. This followed a change in ABS Material's business strategy that no longer required the extensive space the building offered.) Without a need for space, and owing to the building's complicated layout as it was designed for a microfiche operation in 1968, the majority of the facility has been left underutilized for the last few years. More recently, water intrusion and antiquated utility infrastructure has been an issue in several areas of the structure.

Time is of the essence as the applicant is working to secure a long-term tenant that would bring new jobs to the city and also as large sections of the building remain vulnerable to the elements with winter approaching.

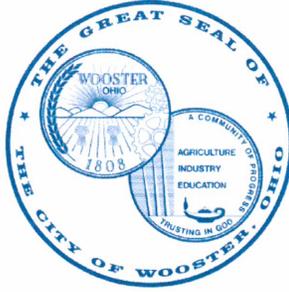
Is there a need for rules suspension or time limitation when this must be passed?

Staff strongly recommends suspension of the rules to allow the business to secure new employment for the City of Wooster and to take advantage of a critical construction window.

Manager Requesting

Date

Approved for Agenda



**CITY OF WOOSTER ENTERPRISE ZONE PROGRAM
IN PARTNERSHIP WITH OHIO DEPARTMENT OF DEVELOPMENT
APPLICATION**

**PROPOSED AGREEMENT for Enterprise Zone Tax Incentives between the City of Wooster,
located in the County of Wayne and Baker Properties Mt. Vernon.**

1a. Name of business, home or main office address, contact person, and telephone number
(attach additional pages if multiple enterprise participants).

<u>Baker Properties Mt. Vernon</u> Enterprise Name	<u>Jerry Baker</u> Contact Person
<u>1130 Riffel Road, Wooster, Ohio 44691</u> Address	<u>972.385.5027</u> Telephone number

1b. Project site:

<u>Jerry Baker</u> Contact Person	
<u>1909 Old Mansfield Rd., Wooster, Ohio 44691</u> <u>(Parcel: 68-00117.000)</u> Address	<u>972.655.6321</u> Telephone number

2a. Nature of business (manufacturing, distribution, wholesale or other).

Warehousing and / or manufacturing

2b. List primary 6-digit NAICS #: 493110, General Warehousing and Storage
Business may list other relevant SIC numbers.

2c. If a consolidation, what are the components of the consolidation?
(must itemize the location, assets, and employment positions to be transferred)

Not Applicable.

2d. Form of business of enterprise (corporation, partnership, proprietorship, etc).

Limited Liability Corporation

3. Name of principal owner(s) or officers of the business (attach list if necessary).

Jerry Baker, Owner

4. Is business seasonal in nature? Yes ___ No X

5a. State the enterprise's current employment level at the proposed project site:
(Itemized for full and part-time and permanent and temporary employees)

Full-Time 7 (ABS Materials – Long-term Tenant); Part-Time: 0; Permanent: 0; Temporary: 0.

5b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Note that relocation projects are restricted in non-distress based Ohio Enterprise Zones. A waiver from the Director of the Ohio Department of Development is available for special limited circumstances. The business and local jurisdiction should contact ODOD early in the discussions. Yes X No ___

5c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

A portion of the project will enable new space for an area manufacturing firm, which will relocate its operations and between 30 to 45 or more jobs, from a leased location within Wayne County to 1909 Old Mansfield Road.

5d. State the enterprise's current employment level in Ohio:
(Itemized for full and part-time and permanent and temporary employees):

Full-Time: 40 (Subsidiary Chesterland Estates PLL); Part-Time: 0; Permanent: 0; Temporary: 0.

5e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets:

Future tenant is an area manufacturing business. With approval of the Enterprise Zone, Applicant will be able to make improvements specific to the needs of the tenant. Tenant would relocate from an existing leased facility in the Wooster area. Chesterland Productions PLL, a related company to Baker Properties Mt. Vernon, would retain employment at its current facilities when expanding operations to 1909 Old Mansfield Road, while ABS Materials will remain at the site.

5f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?

20 to 45 or more jobs may be relocated from another leased location within Wayne County

6a. Has the Enterprise previously entered into an Enterprise Zone Agreement with the local legislative authorities at any site where the employment or assets will be relocated as a result of this proposal? Yes ___ No X

6b. If yes, list the local legislative authorities, date, and term of the incentives for each Enterprise Zone Agreement:

Not Applicable.

7. Does the Enterprise owe :

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?

Yes ___ No X

b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State?

Yes ___ No X

c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

Yes ___ No X

d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets if necessary).

Not Applicable.

8. Project Description (attach additional pages if necessary):

Baker Properties Mt. Venon, a Mid-Ohio regional industrial property management firm with a focus on warehousing and distribution, seeks to make approximately \$750,000 in improvements to a square foot industrial warehouse building known as 1909 Old Mansfield Road, in Wooster, Ohio. The site will continue to serve as ABS Materials headquarters, retaining at least five jobs. The site will also provide jobs for Chesterland Estates PLL staff (a related company to Baker Properties Mt. Vernon based in Wooster), subsidiaries, or other client firms for warehousing and/or assembly. A portion of the space and potential expansion is required to accommodate the needs of the firm's client company, which will add 30 to 45 or more employees on the premises.

9. Project will begin October 15, 2017 and be completed by June 30, 2019 provided a tax exemption is provided.

10a. Estimate the number of new employees the business intends to hire at the facility that is the project site: (Itemized for full and part-time and permanent and temporary employees):

Full-Time: 30; Part-Time: 0; Permanent: 0; Temporary: 0.

10b. State the time frame of this projected hiring: 2 years

10c. State proposed schedule for hiring: *(Itemize by full and part-time and permanent and temporary employees)*

Year 1: Construction (5 employees retained); Year 2: 30 Employees (new to City of Wooster)

11a. Estimate the amount of annual payroll such new employees will add: \$589,680

(New annual payroll must be itemized by full and part-time and permanent and temporary new employees.)

Full-Time: \$884,520; Part-Time: \$0 ; Permanent: \$0 ; Temporary: \$0

11b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project:

\$ 147,420.00

12. Market value of the existing facility as determined for local property taxation.

\$ 949,928.36

13a. Business's total current investment in the facility as of the proposal's submission.

\$ 949,928.36 (purchase)

13b. State the businesses' value of on-site inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year (stated in average \$ value per most recent 12 month period) in which the agreement is entered into (baseline inventory):

\$ 0.00

14. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

	Minimum	Maximum
A. Acquisition of Buildings/Land:	\$ <u>0</u>	\$ <u>0</u>
B. Additions/New Construction:	\$ <u>500,000</u>	\$ <u>1,000,000</u>
C. Improvements to existing buildings:	\$ <u>0</u>	\$ <u>0</u>
D. Machinery & Equipment:	\$ <u>0</u>	\$ <u>0</u>
E. Furniture, Fixtures, Etc.	\$ <u>0</u>	\$ <u>0</u>
F. Inventory:	\$ <u>0</u>	\$ <u>0</u>
Total New Project Investment:	\$ <u>1,000,000</u>	\$ <u>1,000,000</u>

15a. Business requests the following tax exemption incentives: 75 % for 10 years covering real and/or personal property including inventory as described above (be specific regarding type of assets, rate, and term).

Baker Properties Mt. Vernon is requesting a real property tax abatement of 75% for 10 years to be initiated the first year the facility post-construction appears on the Wayne County property tax roles. The 17.58-acre site features an underutilized 89,980 square foot building in poor condition. A section of the building has been modernized by ABS Materials, a small business focusing on absorbent technology solutions for industrial applications, which will continue to operate its headquarters from the facility. Extensive repair, however, is needed with the remainder of the building. Originally built in 1968 as a center for microfiche processing, much of the facility is partitioned into large windowless offices lending limited functionality, while low-ceiling storage space limits warehousing applications. Extensive rehabilitation, utility updates, and remodeling is required to make the facility useable. In addition to interior demolitions, interior treatments, and utility upgrades, a new roof will also be constructed. The project may tentatively include an expansion of approximately 20,000 to 40,000 square feet, pending final client needs.

b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)

Baker Properties Mt. Vernon intends to re-purpose the 89,980 square-foot structure into a warehousing operation with space for manufacturing. The project will provide space for a confidential business which will bring 30 to 45 or more new jobs into city limits. The building will also remain the headquarters for ABS Materials. Remaining space will be committed to warehousing and/or assembly and related operations. Due to the lack of building functionality and age of infrastructure, the developer is undertaking a sizeable risk in redeveloping and repurposing the underutilized structure. Prior to Chesterland Productions PLL's interest in the structure, the large empty sections of the building had been professionally marketed for lease for years with little success, despite being the first office building at the City's entrance with 7,121 vehicles travelling on Old Mansfield Road per day. The City of Wooster and Baker Properties Mt. Vernon's related firm, Chesterland Estates PLL, have partnered on three previous projects that have successfully completed their abatement periods and are generating \$358,918 in new real estate tax revenue for 2017 while providing for more than 100 Wooster jobs. The owner of Baker Properties Mt. Vernon is again seeking and looking forward to partnering with the community once again on another important project and grow Wooster's economy.

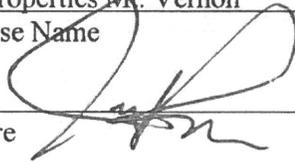
Submission of this application expressly authorizes the City of Wooster and/or Wayne County to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item #7 and to review applicable confidential records. As part of this application, the business may also be required to directly request from the Ohio Department of Taxation or complete a waiver form allowing the Ohio Department of Taxation to release specific tax records to the local jurisdictions considering the incentive request.

Applicant agrees to supply additional information upon request.

The applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefit as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

Baker Properties Mt. Vernon
Enterprise Name

Signature



Date

8/31/17

Jerry Baker, Owner
Typed Name and Title

* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

** Attach to Final Enterprise Zone Agreement as Exhibit A.

Please note that copies of this proposal must be included in the finalized Enterprise Zone Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Department of Development within fifteen (15) days of final approval.