

**CITY COUNCIL AGENDA**  
**September 5, 2017**  
**7:30p.m.**

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

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

**II. APPROVAL OF MINUTES**

**III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

CRA Housing Council Appointments (seeking two appointees from City Council) – Jonathan Millea

**IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**

**V. COMMITTEE REPORTS; PUBLIC HEARINGS**

Civil Service Committee – Met on Tuesday, July 18, 2017.

Members are in agreement with the changes and recommend City Council adopt the revisions to Chapter 133, Civil Service Rules and Regulations, of the Wooster Codified Ordinances.

**VI. OLD BUSINESS**

1. Second Reading – ORDINANCE NO. 2017-23  
AN ORDINANCE AMENDING CHAPTER 163 OF THE WOOSTER CODIFIED ORDINANCE WITH RESPECT TO PART-TIME AND TEMPORARY EMPLOYEES, SECTIONS 163.02 AND 163.04 (Knapic)
2. Second Reading – RESOLUTION NO. 2017-37  
A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY, TO ENTER INTO AN ANNEXATION AGREEMENT WITH OHIO POWER COMPANY (“AEP”) AND WOOSTER TOWNSHIP (Knapic)
3. Second Reading – ORDINANCE NO. 2017-24  
AN ORDINANCE AMENDING PART NINE OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO TO PROVIDE FOR AMENDMENTS AND NEW SECTIONS TO CHAPTER 921, WATER (Knapic)

**VII. NEW BUSINESS**

1. First 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. First 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)
3. First Reading – RESOLUTION NO. 2017-38  
A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR (Ansel)

4. First Reading - RESOLUTION 2017-39  
A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FOR CONSULTING SERVICES  
WITH GREEN ARROW ENGINEERING (Sanders)
5. First Reading - ORDINANCE 2017-40  
AN ORDINANCE AMENDING ORDINANCE NO. 2017-15 BY AUTHORIZING THE MAYOR TO  
TRANSFER THE COMMUNITY REINVESTMENT AREA AGREEMENT FROM LORAL  
PROPERTIES LLC TO IALEXO LLC, A NEW OWNER, AND MODIFYING COMMITMENTS, AND  
DECLARING AN EMERGENCY (Ansel)

**VIII. MISCELLANEOUS**

**IX. ADJOURNMENT**





*Robert F. Breneman, Mayor*

**CITY OF WOOSTER**

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

**Jonathan S. Millea, AICP**

Development Coordinator  
Phone: (330) 263-5250  
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28 August 2017

Mr. Michael Buytendyk - President  
Wooster City Council  
538 N. Market Street  
Wooster, Ohio 44691

**Seeking Two Council Appointees to the Community Reinvestment Area Housing Council**

Dear President Buytendyk,

For the last few years, you and Ms. Barb Knapic have generously extended your time and expertise in serving as the Wooster City Council's appointees to the City of Wooster's Community Reinvestment Area Housing Council. We would like to thank you and Ms. Knapic for your service, and also the Wooster City Planning Commission for appointing him.

By state law, two of the seven members of any CRA housing council must be "two members appointed by the legislative authority of the municipal corporation". With yours and Ms. Knapic's commissions now expired, we are asking for the Wooster City Council to once again to make two appointments or reappointments to our CRA Housing Council for a three-year term, commencing upon Council's approval in 2017 and expiring on December 31, 2019. To allow us to plan for a tentative CRA Housing Council meeting in October, we request that you please affirm your appointees by September 18, 2017.

The Community Reinvestment Act was passed by the Ohio State Legislature to encourage reinvestment in areas "in which housing facilities or structures of historical significance were located and new housing construction and repair of existing facilities or structures are discouraged". The program is detailed in the Ohio Revised Code, which is found in Sections 3735.65 to 37.35.70. In 2004, the City of Wooster joined this program by enacting Ordinance Number 2004-33.

These rules also establish our CRA Housing Council, which performs an inspection of each property for maintenance on an annual basis. Specifically, my office, working with the City Zoning Inspector, compiles a report for the Council's perusal. The Council is a required element of the CRA program and provides valuable feedback to our City Council and Tax Incentive Review Council on not only specific projects, but the program as a whole. This process also allows our team to identify CRA-benefitted properties failing to meet maintenance guidelines and address safety concerns before they deteriorate further.

The estimated time commitment for a board member is approximately two hours per year, including attendance to one annual inspection meeting. On rare occasion, the CRA Housing Council may also be convened to consider any appeal from an administratively denied CRA application.

We look forward to welcoming your new appointment or reappointment for our upcoming CRA Housing Council meeting in the weeks ahead. We also would like to again express our appreciation to you and Ms. Knapic for your service and contribution. Thank you!

Sincerely,

*Cc: Ms. Barb Knapic, Wooster City Council Member, and Appointee to the CRA Housing Council  
Wooster City Council Membership*

ORDINANCE NO. 2017-23

AN ORDINANCE AMENDING CHAPTER 163 OF THE  
WOOSTER CODIFIED ORDINANCES, WITH RESPECT TO  
PART-TIME AND TEMPORARY EMPLOYEES, SECTIONS  
163.02 AND 163.04.

WHEREAS, the City needs to amend Chapter 163 of the Wooster Codified Ordinances, concerning Part-Time and Temporary Employees, in order to be compliant with the Affordable Care Act ("ACA") and associated federal regulations; and

WHEREAS, under the ACA, part-time employees are defined as employees with less than 30 hours of work per week, and employees with greater or equal to 30 hours per week are eligible for medical benefits.

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

SECTION 1. That WCO 163.02 and 163.04 are amended as designated in Attachment A (a copy of which is attached to this legislation).

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

1st reading \_\_\_\_\_ 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2017                      Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2017                      \_\_\_\_\_  
   Mayor

Introduced by: Barbara Knapic



## Schedule A

### CHAPTER 163

#### Part-Time, Seasonal, Temporary, Special and Auxiliary Employees

- [163.01](#) Administration.
- [163.02](#) Part-time employees.
- [163.03](#) Seasonal employees.
- [163.04](#) Temporary employees.
- [163.05](#) Special and auxiliary employees.
- [163.06](#) Special employment program.

#### 163.01 ADMINISTRATION.

(a) Employees covered by this chapter shall be defined as those employees listed on the attachment of the Annual Salary and Wage Ordinance entitled "Temporary, Seasonal and Part-time Employees".

(b) The Mayor and/or Director of Administration shall establish rules and procedures and develop any forms necessary for administering the various benefit programs in this chapter.

(c) The Mayor and/or Director is authorized to assign employees to the appropriate job classifications and assign the various positions to the proper range.

(d) The Mayor and/or Director may establish hours of work and the work schedule for such employees. (Ord. 1987-13. Passed 2-17-87.)

#### 163.02 PART-TIME EMPLOYEES.

(a) Part-time employees shall be defined as those individuals employed to work less than 30 hour work week of an assigned division/department.

(b) Employees meeting the criteria as described in subsection (a) shall receive the following fringe benefits as terms of employment provided they qualify for such benefits.

(1) Holidays. The recognized holidays shall be those stated in 162.05, Holidays.

(2) Holiday pay. Employees shall work their normal scheduled hours through the calendar year and shall be paid for each hour worked. In addition, if an employee is scheduled to work on a recognized City holiday, such employee shall receive pay at his regular hourly rate for the scheduled hours on the recognized holiday and for those hours worked.

(3) Overtime pay. Employees shall be compensated at the rate of one and one-half times the employee's hourly rate for all work performed in excess of forty hours per week. Employees cannot accumulate compensatory time in lieu of overtime payment.

(4) Uniforms. The City shall provide uniforms to all part-time employees as necessary.

(5) Years of service. Employees working in such category shall accrue years of service based upon the following formula: 2080 regular hours worked shall equal one year of City service.

(6) Sick leave. Employees shall earn sick leave on the following formula: For each completed hour of service, the employee shall earn .0577 sick leave hours. Sick leave accumulation shall be unlimited.

(7) Additional benefits. Part-time employees do not qualify for any additional fringe benefits other than those described in the above subsections.

(Ord. 1987-13. Passed 2-17-87.)



#### 163.03 SEASONAL EMPLOYEES.

Seasonal employees shall be defined as those individuals employed by the City to work a prescribed seasonal work schedule. Such employees shall receive or qualify for the following fringe benefits as terms of employment, provided they qualify for such benefits.

(a) Overtime Pay. Employees shall be compensated at the rate of one and one-half times the employee's hourly rate for all work performed in excess of forty hours per week. Employees cannot accumulate compensatory time in lieu of overtime payment.

(b) Years of Service. Employees working in such category shall accrue years of service based upon the following formula: 2080 regular hours worked shall equal one year of City service.

(c) Uniforms. The City shall provide uniforms to all seasonal employees as necessary.

(d) Additional Benefits. Seasonal employees in this category do not qualify for any additional fringe benefits other than those described in the above subsections.

(Ord. 1987-13. Passed 2-17-87.)

#### 163.04 TEMPORARY EMPLOYEES.

Temporary employees shall be defined as those individuals employed to work to fulfill a specific need or reason, that is sickness, disability or leaves of absence, which is not expected to continue for an extended period of time. Such employees shall receive the following benefits as terms of employment provided they qualify for such benefits.

(a) Holidays. The recognized holidays shall be those stated in 162.05, Holidays.

(b) Holiday Pay. Employees shall work their normal scheduled hours through the calendar year and shall be paid for each hour worked. In addition, if an employee is scheduled to work on a recognized City holiday, such employee shall receive pay at his regular hourly rate for the scheduled hours on the recognized holiday and for those hours worked.

(c) Overtime Pay. Employees shall be compensated at the rate of one and one-half times the employee's hourly rate for all work performed in excess of forty hours per week. Employees cannot accumulate compensatory time in lieu of overtime payment.

(d) Uniforms. The City shall provide uniforms to temporary employees as necessary.

(e) Additional Benefits. Temporary employees in this category do not qualify for any additional fringe benefits other than those described in the above subsections.

If it becomes necessary to continue to employ a temporary employee beyond a one-year period, the Mayor and/or Director of Administration may extend the temporary status for additional periods as may be required.

When the temporary employee's term is extended beyond the one-year period all benefits in [163.02\(c\)](#) shall apply. (Ord. 1987-13. Passed 2-17-87.)

#### 163.05 SPECIAL AND AUXILIARY EMPLOYEES.

(a) Special and Auxiliary Employees shall be defined as those individuals utilized by the City to assist or support the regular work force. Such employees may or may not be compensated for such services, depending on the type of services rendered for the City. If compensated, individuals shall receive pay for hours worked times the employee's hourly rate. Such employees do not qualify for overtime payment.

(b) Benefits. Employees in this category do not receive any benefits, including the accrual of years of service. (Ord. 1987-13. Passed 2-17-87.)

163.06 SPECIAL EMPLOYMENT PROGRAMS.

Employees who are hired under special employment programs sponsored by other agencies shall be granted benefits required by the agencies. If such benefits are not specifically stated, the Mayor and/or Director of Administration shall determine the appropriate benefits for the employees in the program(s).  
(Ord. 1987-13. Passed 2-17-87.)



## CHAPTER 163

## Part-Time, Seasonal, Temporary, Special and Auxiliary Employees

- 163.01 Administration.
- 163.02 Part-time employees.
- 163.03 Seasonal employees.
- 163.04 Temporary employees.
- 163.05 Special and auxiliary employees.
- 163.06 Special employment program.

## 163.01 ADMINISTRATION.

(a) Employees covered by this chapter shall be defined as those employees listed on the attachment of the Annual Salary and Wage Ordinance entitled "Temporary, Seasonal and Part-time Employees".

(b) The Mayor and/or Director of Administration shall establish rules and procedures and develop any forms necessary for administering the various benefit programs in this chapter.

(c) The Mayor and/or Director is authorized to assign employees to the appropriate job classifications and assign the various positions to the proper range.

(d) The Mayor and/or Director may establish hours of work and the work schedule for such employees. (Ord. 1987-13. Passed 2-17-87.)

## 163.02 PART-TIME EMPLOYEES.

(a) Part-time employees shall be defined as those individuals employed to work less than ~~the established 30~~ hour work week of an assigned division/department. ~~Such employees shall be categorized into two areas:~~

~~— (1) Employees regularly scheduled to work twenty hours or less per week.~~

~~— (2) Employees regularly scheduled to work at least twenty-one hours but less than the equivalent hours of the established work week of the assigned division.~~

(b) Employees meeting the criteria as described in subsection (a) ~~(1) hereof~~ shall receive the following fringe benefits as terms of employment provided they qualify for such benefits.

(1) Holidays. The ~~recognized holidays shall be those stated in 162.05, Holidays. following days shall be recognized holidays beginning January 1, 1987:~~

<del>New Year's Day</del>	<del>Labor Day</del>
<del>Martin Luther King Day</del>	<del>Veterans Day</del>
<del>Presidents' Day</del>	<del>Thanksgiving Day</del>
<del>Memorial Day</del>	<del>Day after Thanksgiving</del>
<del>Independence Day</del>	<del>Christmas Day</del>

(2) Holiday pay. Employees shall work their normal scheduled hours through the calendar year and shall be paid for each hour worked. In addition, if an employee is scheduled to work on a recognized City holiday, such employee shall receive pay at his regular hourly rate for the scheduled hours on the recognized holiday and for those hours worked.

(3) Overtime pay. Employees shall be compensated at the rate of one and one-half times the employee's hourly rate for all work performed in excess of forty hours per week. Employees cannot accumulate compensatory time in lieu of overtime payment.

(4) Uniforms. The City shall provide uniforms to all part-time employees as necessary.

(5) Years of service. Employees working in such category shall accrue years of service based upon the following formula: 2080 regular hours worked shall equal one year of City service.

~~— (6) Additional benefits. Part-time employees in this category do not qualify for any additional fringe benefits other than those described in the above subsections.~~

~~— (c) Employees meeting the criteria as described in subsection (a)(2) hereof shall receive the following fringe benefits as terms of employment provided they qualify for such benefits.~~

~~— (1) Holidays. The recognized holidays shall be those stated in subsection (b)(1) hereof.~~



~~—(2) Holiday pay. Employees shall work their normal scheduled hours through the calendar year and shall be paid for each hour worked. In addition, if an employee is scheduled to work on a recognized City holiday, such employee shall receive pay at his regular hourly rate for the scheduled hours on the recognized holiday and for those hours worked.~~

~~—(3) Overtime pay. Employees shall be compensated at the rate of one and one-half times the employee's hourly rate for all work performed in excess of forty hours per week. Employees cannot accumulate compensatory time in lieu of overtime payment.~~

**(46) Sick leave.** Employees shall earn sick leave on the following formula: For each completed hour of service, the employee shall earn .0577 sick leave hours. Sick leave accumulation shall be unlimited.

~~—(5) Vacation. Employees who work twenty-one or more hours per week shall accrue vacation credit at the rate of .03875 vacation hours for every regular hour worked. If employees do not exceed twenty hours per week, no vacation credit shall be earned for such week.~~

~~—(6) Medical insurance. Employees shall qualify for self-payment for medical insurance coverage. Payment shall be made to the City on the prescribed monthly dates to maintain coverage. Coverage shall be subject to those limitations of the health insurance company.~~

~~—(7) Uniforms. The City shall provide uniforms to all part-time employees as necessary.~~

~~(8) Years of service. Employees working in such category shall accrue years of service based upon the following formula: 2080 regular hours worked shall equal one year of City service.~~

**(97) Additional benefits.** Part-time employees in this category do not qualify for any additional fringe benefits other than those described in the above subsections.

(Ord. 1987-13. Passed 2-17-87.)

#### **163.03 SEASONAL EMPLOYEES.**

Seasonal employees shall be defined as those individuals employed by the City to work a prescribed seasonal work schedule. Such employees shall receive or qualify for the following fringe benefits as terms of employment, provided they qualify for such benefits.

**(a) Overtime Pay.** Employees shall be compensated at the rate of one and one-half times the employee's hourly rate for all work performed in excess of forty hours per week. Employees cannot accumulate compensatory time in lieu of overtime payment.

**(b) Years of Service.** Employees working in such category shall accrue years of service based upon the following formula: 2080 regular hours worked shall equal one year of City service.

**(c) Uniforms.** The City shall provide uniforms to all seasonal employees as necessary.

**(d) Additional Benefits.** Seasonal employees in this category do not qualify for any additional fringe benefits other than those described in the above subsections.

(Ord. 1987-13. Passed 2-17-87.)

#### **163.04 TEMPORARY EMPLOYEES.**

Temporary employees shall be defined as those individuals employed to work to fulfill a specific need or reason, that is sickness, disability or leaves of absence, which is not expected to continue for an extended period of time. Such employees shall receive the following benefits as terms of employment provided they qualify for such benefits.

**(a) Holidays.** The recognized holidays shall be those stated in ~~1632.05. Holidays. 02(b)(1)-~~

**(b) Holiday Pay.** Employees shall work their normal scheduled hours through the calendar year and shall be paid for each hour worked. In addition, if an employee is scheduled to work on a recognized City holiday, such employee shall receive pay at his regular hourly rate for the scheduled hours on the recognized holiday and for those hours worked.

**(c) Overtime Pay.** Employees shall be compensated at the rate of one and one-half times the employee's hourly rate for all work performed in excess of forty hours per week. Employees cannot accumulate compensatory time in lieu of overtime payment.

~~—(d) Medical Insurance. Employees shall qualify for self-payment for medical insurance coverage. Payment shall be made to the City on the prescribed monthly dates to maintain coverage. Coverage shall be subject to those limitations of the health insurance company.~~

**(d) Uniforms.** The City shall provide uniforms to temporary employees as necessary.

**(e) Additional Benefits.** Temporary employees in this category do not qualify for any additional fringe benefits other than those described in the above subsections.



If it becomes necessary to continue to employ a temporary employee beyond a one-year period, the Mayor and/or Director of Administration may extend the temporary status for additional periods as may be required.

When the temporary employee's term is extended beyond the one-year period all benefits in [163.02\(c\)](#) shall apply. (Ord. 1987-13. Passed 2-17-87.)

#### 163.05 SPECIAL AND AUXILIARY EMPLOYEES.

(a) Special and Auxiliary Employees shall be defined as those individuals utilized by the City to assist or support the regular work force. Such employees may or may not be compensated for such services, depending on the type of services rendered for the City. If compensated, individuals shall receive pay for hours worked times the employee's hourly rate. Such employees do not qualify for overtime payment.

(b) Benefits. Employees in this category do not receive any benefits, including the accrual of years of service. (Ord. 1987-13. Passed 2-17-87.)

#### 163.06 SPECIAL EMPLOYMENT PROGRAMS.

Employees who are hired under special employment programs sponsored by other agencies shall be granted benefits required by the agencies. If such benefits are not specifically stated, the Mayor and/or Director of Administration shall determine the appropriate benefits for the employees in the program(s). (Ord. 1987-13. Passed 2-17-87.)



**Request for Agenda Item  
Non-Capital**

**Division**  **Meeting Date Requested**

**Project Name**  ☐ **Approved for Agenda**

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

We need to amend the definition of part-time employees to be compliant with the Affordable Care Act (ACA) and associated regulations.

**MAIN ISSUES**

Part-time employee defined as less than 30 hours per week, consistent with the Affordable Care Act.

Eligible for the holidays based upon the Management Ordinance (163.02)

Eliminate the accrual of vacation for part-time employees.

Since part-time is defined as less than 30 hours per week, eliminate the medical coverage language. The ACA requires medical coverage when working greater than 30 hours per week. City employees working over 30 hours will receive medical coverage.

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

**Manager Requesting**

**Date**

**Approved for Agenda**

RESOLUTION NO. 2017-37

A RESOLUTION AUTHORIZING THE MAYOR, ON  
BEHALF OF THE CITY, TO ENTER INTO AN  
ANNEXATION AGREEMENT WITH OHIO POWER  
COMPANY AND WOOSTER TOWNSHIP

WHEREAS, Ohio Power Company, ("Ohio Power"), desires to annex approximately 89 acres of land into the City of Wooster from Wooster Township, as designated in the description and plat attached; and

WHEREAS, the City of Wooster, Ohio Power, and Wooster Township have all agreed to the terms of the attached annexation agreement;

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

SECTION 1. That the Mayor is authorized to enter into an annexation agreement with Ohio Power Company and Wooster Township for the annexation of 89.510 acres of land, as designated in the attached description and plat.

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

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

1<sup>st</sup> reading \_\_\_\_\_ 2<sup>nd</sup> reading \_\_\_\_\_ 3<sup>rd</sup> reading \_\_\_\_\_

Introduced: \_\_\_\_\_ Passed: \_\_\_\_\_ Vote: \_\_\_\_\_

Attest: \_\_\_\_\_

Clerk of Council

President of Council

Approved: \_\_\_\_\_, 2017 \_\_\_\_\_

Mayor

Introduced by: Barbara Knapic

August 14, 2017

To: All Council Members

From: Linda M. Applebaum, Director of Law

Ohio Power Company is pursuing annexation of approximately 89 acres into the City of Wooster from Wooster Township. (See attached description and plat).

Ohio Power has decided to pursue this annexation under the authority of Revised Code Sections 709.021, 709.022, and 709.192. Specifically, R.C. 709.022 allows for annexation by agreement where all parties consent. The agreement, reviewed by myself and the Administration, along with counsel for Wayne County and Ohio Power, is attached to this resolution request.

Under R.C. 709.022 (B), Ohio Power will file the executed agreement, along with a petition, with the Board of County Commissioners, and the Board "shall enter upon its journal a resolution granting the annexation, without holding a hearing."

Ohio Power has also proposed a Zoning Map Amendment for the property, and this will be before the Planning Commission at the August 23<sup>rd</sup> meeting.

## ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is entered into as of the \_\_ day of \_\_\_\_\_ 2017, by and between Ohio Power Company, a public utility ("Ohio Power"), the City of Wooster, Ohio ("the City"), and Wooster Township, a township located within Wayne County, Ohio ("the Township"), (also collectively "the Parties").

WHEREAS, Ohio Power has acquired ownership of a parcel of real estate which is contiguous to the City and presently is located within the boundaries of the Township ("the Property"); and,

WHEREAS, Ohio Power desires to have the Property, the legal description of which is set forth in "Attachment A", which is incorporated by reference herein, annexed to the City pursuant to Chapter 709 of the Revised Code of the State of Ohio.; and

WHEREAS, the City agrees to accept the annexation of the property after Wayne County agrees to release the Property; and,

WHEREAS, the Township is in agreement for the annexation of the property to the City;

WHEREFORE, pursuant to the terms set forth herein, it is hereby agreed as follows:

1. The Parties agree that the Property may be annexed to the City.
2. The Parties agree that a Petition for Annexation will be submitted to the County Commissioners of Wayne County, Ohio ("the Commissioners") pursuant to



Ohio Revised Code §709.021, §709.022, and related provisions, which Petition will represent that the Parties are in agreement for the annexation, and that the requisite resolutions of the City and the Township have been adopted.

3. The City agrees, subject to the recommendation of the Planning Commission of the City of Wooster, that the property may be zoned for "General Manufacturing" , designated as "M2".
4. The City agrees to allow the extension of the existing water and sewer lines ("the Utilities"), located within the City's right-of-way on Long Road, to the Property.
5. Ohio Power agrees to cover all costs associated with the extension of the Utilities to the Property.
6. The Parties will direct and authorize their respective agents and counsel to take all necessary actions to complete the annexation and that certified copies of the respective resolutions of the City and the Township agreeing to the annexation will be provided for submission by Ohio Power of the request for annexation to the County Commissioners of Wayne County.
7. This Agreement will be executed in triplicate, each copy of which will be regarded as an original.
8. This Agreement constitutes the entire agreement of the Parties for the annexation and any alteration, addition, or amendment must be in a writing approved by and executed by the authorized representatives of the Parties.

City of Wooster

Ohio Power Company

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Wooster Township

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Since 1972

# **Bair, Goodie and Associates, Inc.**

*CONSULTING ENGINEERS AND SURVEYORS*

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December 19, 2016

## **DESCRIPTION OF A 89.510 ACRE TRACT**

Situated in the Township of Wooster, (T-15, R-13), Northwest Quarter of Section 1, County of Wayne, and State of Ohio:

COMMENCING at a 1-inch rod (found) in a monument box marking the northwest corner of the Northwest Quarter of Section 1, also being at the intersection of the centerlines of Geyers Chapel Road and Long Road; THENCE North 89 deg. 52 min. 36 sec. East, 20.35 feet along the section line, Wayne Township line and the centerline of said Long Road to a R.R. spike (found) marking the southwest corner of the Southwest Quarter of Section 36; THENCE North 89 deg. 15 min. 06 sec. East, along the section line, Wayne Township line and the centerline of said Long Road to an iron pin in concrete monument (set) at the PLACE OF BEGINNING of the tract herein to be described;

1. THENCE from said BEGINNING, North 89 deg. 15 min. 06 sec. East, 1298.43 feet along the section line, Wayne Township line and City of Wooster Corp. Line to an iron pin in concrete monument (set) on Pennsylvania Lines LLC (Official Record Volume 257, Page 681) west line;
2. THENCE South 13 deg. 07 min. 35 sec. East, 252.70 feet along a chord subtending a spiral curve to the right along said Pennsylvania Lines LLC west line to an iron pin in concrete monument (set);
3. THENCE along a curve to the right an arc length of 710.23 feet having a delta of 31 deg. 42 min. 46 sec., a radius of 1283.18 feet, a tangent of 364.47 feet, a chord bearing of South 07 deg. 19 min. 35 sec. West, a chord distance of 701.20 feet along said Pennsylvania Lines LLC west line to an iron pin in concrete monument (set);
4. THENCE South 23 deg. 59 min. 45 sec. West, 36.50 feet along a chord subtending a spiral curve to the right along said Pennsylvania Lines LLC west line to an iron pin in concrete monument (set);

5. THENCE South 89 deg. 39 min. 35 sec. West, 11.05 feet along said Pennsylvania Lines LLC west line to a 1-inch pinchtap (found);
6. THENCE South 30 deg. 41 min. 11 sec. West, 426.10 feet along a chord subtending a spiral curve to the right along said Pennsylvania Lines LLC west line to an iron pin in concrete monument (set);
7. THENCE South 33 deg. 28 min. 57 sec. West, 550.60 feet along said Pennsylvania Lines LLC west line to an iron pin in concrete monument (set);
8. THENCE South 35 deg. 41 min. 51 sec. West, 390.30 feet along a chord subtending a spiral curve to the right along said Pennsylvania Lines LLC west line to an iron pin in concrete monument (set);
9. THENCE along a curve to the right an arc length of 176.42 feet having a delta of 6 deg. 57 min. 52 sec. a radius of 1451.40 feet, a tangent of 88.32 feet, a chord bearing of South 44 deg. 10 min. 48 sec. West, a chord distance of 176.32 feet along said Pennsylvania Lines LLC west line to a point on the Ohio Power Company's (Deed Volume 471, Page 20) east line, witnessed by a 1-inch copperweld rod in concrete (found) North 07 deg. 41 min. 36 sec. West. 1.14 feet;
10. THENCE North 07 deg. 41 min. 36 sec. West, 424.90 feet along said Ohio Power Company's east line to an iron pin in concrete monument (set);
11. THENCE North 82 deg. 18 min. 24 sec. East, 100.00 feet along said Ohio Power Company's east line to a 1-inch copperweld rod in concrete (found);
12. THENCE North 07 deg. 41 min. 36 sec. West, 360.00 feet along said Ohio Power Company's east line to a point, witnessed by a 1-inch copperweld rod in concrete (found) South 82 deg. 18 min. 24 sec. West, 0.50 feet;
13. THENCE South 82 deg. 18 min. 24 sec. West, 400.00 feet along said Ohio Power Company's north line to a 1-inch copperweld rod in concrete (found);
14. THENCE South 07 deg. 41 min. 36 sec. East, 943.92 feet along said Ohio Power Company's west line to a point on said Pennsylvania Lines LLC north line, witnessed by a 1-inch copperweld rod in concrete (found) North 07 deg. 41 min. 36 sec. West, 0.62 feet;
15. THENCE along a curve to the right an arc length of 712.82 feet having a delta of 28 deg. 08 min. 23 sec., a radius of 1451.40 feet, a tangent of 363.75 feet a chord bearing of South 75 deg. 10 min. 00 sec. West, a chord distance of 705.68 feet along said Pennsylvania



Lines LLC north line to a 1-inch ID pipe found on the east line of the Leo Schafrath Allotment (Plat Volume 4, Page 341) and said corp. line;

16. THENCE North 00 deg. 53 min. 42 sec. West, 733.75 feet along said Leo Schafrath Allotment, Timothy G. and Tina Ann Yates' (Official Record Volume 539, Page 273), John M. and Cindy K. Turner's (Official Record Volume 497, Page 2014), Delbert and Marsha Lang's (Official Record Volume 789, Page 92), and Ohio Power Company's (Deed Volume 468, Page 338) east line and said corp. line to a 1-inch copperweld rod in concrete (found);
17. THENCE North 83 deg. 39 min. 55 sec. West, 54.80 feet along said Ohio Power Company's (Deed Volume 468, Page 338) north line and said corp. line to an iron pin in concrete monument (set);
18. THENCE North 01 deg. 23 min. 24 sec. West, 199.67 feet along T&T Yates Allotment No. 1 (Plat Volume 26, Page 25) east line and said corp. line to a 3/4-inch rebar (found);
19. THENCE North 83 deg. 39 min. 55 sec. West, 93.68 feet along said T&T Yates Allotment No. 1 north line and said corp. line to a concrete monument (set);
20. THENCE North 01 deg. 14 min. 44 sec. West 685.02 feet along David and Wanda Rohr's (Deed Volume 513, Page 521) east line and said corp. line to an iron pin in concrete monument (set);
21. THENCE North 00 deg. 30 min. 37 sec. East, 273.22 feet along Jerry L. Zimmerman's (Deed Volume 702, Page 696), Leo Schafrath Allotment No. 2 (Plat Volume 5, Page 31) and Jerry Lee and Elizabeth Zimmerman's (Official Record Volume 116, Page 796 and 798) east line and said corp. line to an iron pin in concrete monument (set);
22. THENCE South 86 deg. 39 min. 50 sec. East, 4.85 feet along Harley L. Stout's (Official Record Volume 607, Page 606) south line and said corp. line to a 5/8-inch rebar "Rudolph" (found);
23. THENCE North 01 deg. 29 min. 38 sec. West, 72.00 feet along said Stout's east line and said corp. line to a 5/8-inch rebar "Rudolph" (found);
24. THENCE North 01 deg. 18 min. 32 sec. West, 145.20 feet along Harley Leroy Stout's (Official Record Volume 360, Page 1802) east line and along said corp. line to an iron pin in concrete monument (set);

25. THENCE North 01 deg. 20 min. 48 sec. West, 208.53 feet along Elmus G. Jr. and Colleen Y. Boord's (Deed Volume 621, Page 170) east line to an iron pin in concrete monument (set);
26. THENCE North 01 deg. 19 min. 13 sec. West, 232.38 feet along Mark A. and Janet L. Gatten's (Deed Volume 640, Page 119), Teresa L. Hess' (Official Record Volume 455, Page 547 and Official Record Volume 566, Page 1536) and Wooster Growth Subdivision No. 1 (Plat Volume 25, Page 112) east line and said corp. line to a 5/8-inch rebar "Engineering Associates" (found) on the south line of said Long Road;
27. THENCE North 89 deg. 15 min. 06 sec. East, 777.01 feet along the south line of said Long Road and said corp. line to a 5/8-inch rebar "Engineering Associates" (found);
28. THENCE North 00 deg. 44 min. 54 sec. West, 30.00 feet along the east line of said Long Road to the PLACE OF BEGINNING, containing 89.510 acres, more or less, but subject to all legal highways, right-of-ways, and easements.

For survey See Volume \_\_\_\_\_, Page \_\_\_\_\_ of the Wayne County Survey Records.

Survey and description prepared by Eric R. Zaugg, Professional Surveyor No. 8309.

Permanent Parcel Number: 56-01929.000

Prior Deed Reference: Deed Vol. 512, Pg. 615

  
Plat and Description Prepared By  
Eric R. Zaugg, Professional Surveyor No. 8309



Inverse With Area

89.510 Ac closure.txt  
Mon Dec 19 08:31:41 2016

CRD File> C:\Carlson Projects\CHECK.crd

PntNo	Bearing	Distance	Northing	Easting	Description
1		27.37	42.17	PT	
	N 89°15'06" E	1298.43			
2		44.33	1340.49		
	S 13°07'35" E	252.70			
3		-201.77	1397.88		
	Radius: 1283.18 Chord: 701.20 Degree: 4°27'55" Dir: Right				
	Length: 710.23 Delta: 31°42'46" Tangent: 364.47				
	Chord BRG: S 07°19'35" W Rad-In: S 81°28'12" W Rad-Out: N 66°49'02" W				
	Radius PntNo: 30 N: -392.10 E: 128.89				
4		-897.25	1308.46		
	S 23°59'45" W	36.50			
5		-930.59	1293.62		
	S 89°39'35" W	11.05			
6		-930.66	1282.57		
	S 30°41'11" W	426.10			
7		-1297.09	1065.11		
	S 33°28'57" W	550.60			
8		-1756.32	761.36		
	S 35°41'51" W	390.30			
9		-2073.29	533.61		
	Radius: 1451.40 Chord: 176.32 Degree: 3°56'51" Dir: Right				
	Length: 176.43 Delta: 6°57'53" Tangent: 88.32				
	Chord BRG: S 44°10'48" W Rad-In: N 49°18'08" W Rad-Out: N 42°20'15" W				
	Radius PntNo: 31 N: -1126.87 E: -566.78				
10		-2199.74	410.73		
	N 07°41'36" W	424.90			
11		-1778.66	353.85		
	N 82°18'24" E	100.00			
12		-1765.27	452.95		
	N 07°41'36" W	360.00			
13		-1408.51	404.76		
	S 82°18'24" W	400.00			
14		-1462.06	8.36		
	S 07°41'36" E	943.92			
15		-2397.49	134.72		
	Radius: 1451.40 Chord: 705.68 Degree: 3°56'51" Dir: Right				
	Length: 712.82 Delta: 28°08'22" Tangent: 363.75				
	Chord BRG: S 75°10'00" W Rad-In: N 28°54'11" W Rad-Out: N 00°45'48" W				
	Radius PntNo: 31 N: -1126.87 E: -566.78				
16		-2578.15	-547.44		
	N 00°53'42" W	733.75			
17		-1844.49	-558.90		
	N 83°39'55" W	54.80			
18		-1838.44	-613.37		
	N 01°23'24" W	199.67			
19		-1638.83	-618.21		
	N 83°39'55" W	93.68			
20		-1628.49	-711.32		
	N 01°14'44" W	685.02			
21		-943.63	-726.21		



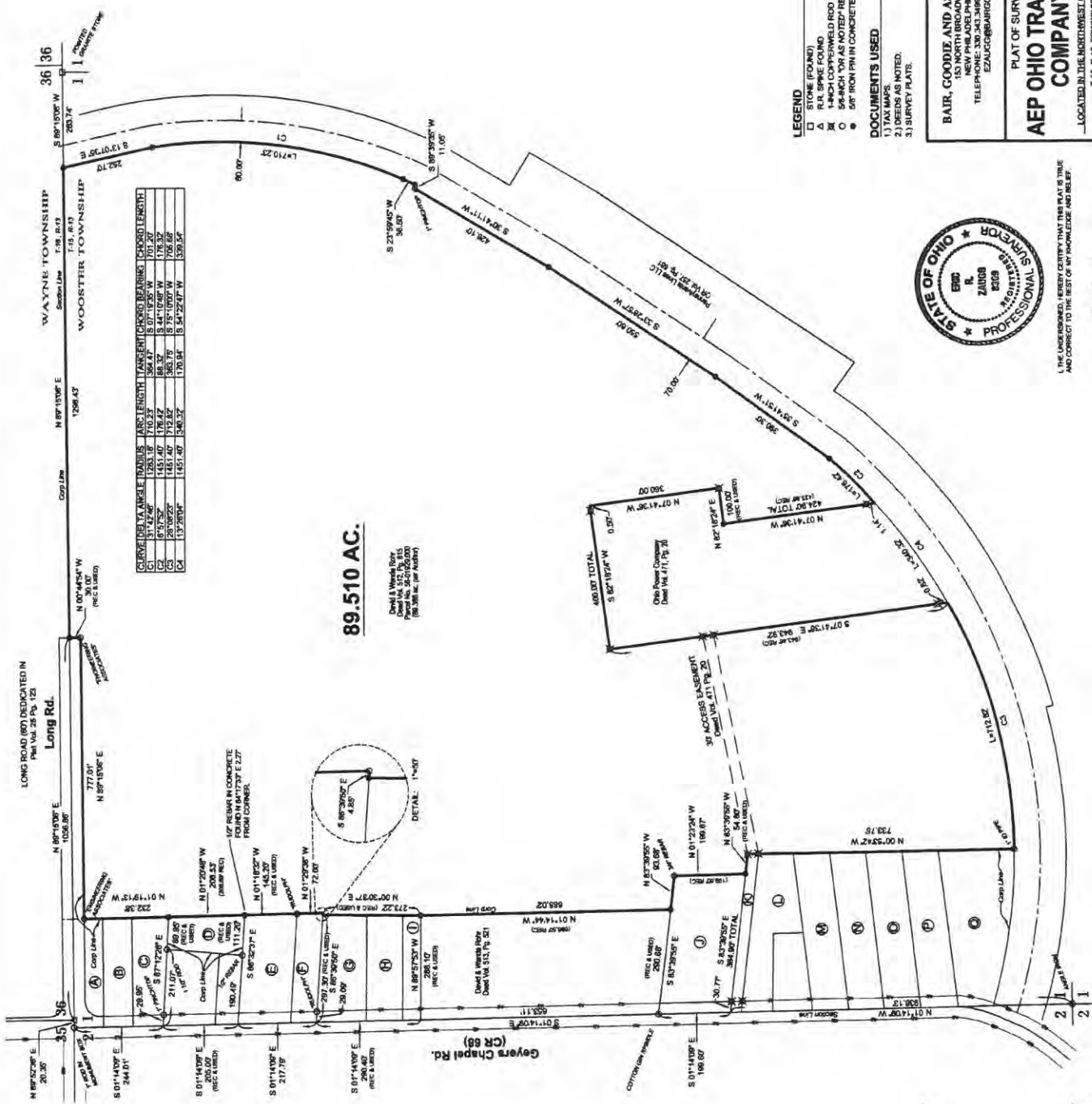
89.510 Ac closure.txt

	N 00°30'37" E 273.22	
22	-670.42	-723.78
	S 86°39'50" E 4.85	
23	-670.71	-718.94
	N 01°29'38" W 72.00	
24	-598.73	-720.81
	N 01°18'32" W 145.20	
25	-453.57	-724.13
	N 01°20'48" W 208.53	
26	-245.10	-729.03
	N 01°19'13" W 232.38	
27	-12.78	-734.38
	N 89°15'06" E 777.01	
28	-2.63	42.56
	N 00°44'54" W 30.00	
29	27.37	42.17

---

Closure Error Distance> 0.0032 Error Bearing> S 61°02'57" W  
 Closure Precision> 1 in 3215971.3 Total Distance Inversed> 10304.09

Area: 3899037.2 Sq. Feet, 89.510 Acres



	CLURGE	DEBY	ANKLE	FRANKLIN	ARC LENGTH	PERCENT CHORD BEARING	CHORD LENGTH
C1	31.42°	66	1263.18	170.23	364.47	S 07°16'35" W	701.20
C2	61.57°	62	1451.40	178.42	RR 32	S 44°10'48" W	176.32
C3	28.08°	63	1451.40	172.82	S 75°10'00" W	706.68	
C4	31.28°	64	1451.40	240.32	170.94	S 54°22'47" W	339.54

**89.510 AC.**

David & Wanda Rich  
Dead Vol. 512, Pg. 815  
Parcel No. 58-01929-000

**LEGEND**

□	STONE (FOUND)
△	R.I. SPIKE FOUND
⊗	1-INCH COPPER NAIL
○	5/8-INCH "OR AS NOTED"
●	5/8" IRON PIN IN CO.

**DOCUMENTS USED**

- 1.) TAX MAPS.
- 2.) DEEDS AS NOTED.
- 3.) SURVEY PLATS.

**BAIR, GOODIE AND ASSOCIATES, INC.**  
153 NORTH BROADWAY STREET  
NEW PHILADELPHIA, OH 44003  
TELEPHONE: 330.343.3498 FAX: 330.343.8600  
EZALUGO@BAIRGOODIE.COM

PLAT OF SURVEY FOR  
**AEP OHIO TRANSMISSION  
COMPANY, INC.**

100

ERIC R. ZAUGA, P.S.

PROFESSIONAL CREDIT DEMO 2000

1000

- WOODSTOCK GROWTH SUBMISSION No. 1 (Pm Vol. 25 Pg. 117)  
Cm of Woodstock  
OR Vol. 314, Pg. 221
- ⑧ Terrence L. Hens  
Lud 2  
OR Vol. 500, Pg. 556
- ⑨ Mark A. & Jennifer, Coleman  
David Vol. 484, Pg. 116
- ⑩ Rhonda D. & Coleman Y. Board  
David Vol. 521, Pg. 170
- ⑪ Valerie L. Smith  
OR Vol. 500, Pg. 562
- ⑫ Healey J. Elrod  
OR Vol. 521, Pg. 158
- ⑬ Jerry Lee & Elizabeth Zimmerman  
Lud 4  
OR Vol. 516, Pg. 158
- ⑭ LEO SCHWARTZ ALLOTMENT No. 2 (Pm Vol. 9 Pg. 31)  
Lud 3  
David Vol. 702, Pg. 268
- ⑮ Jerry L. Zimmerman  
David Vol. 716, Pg. 286
- ⑯ Otto Power Company  
David Vol. 485, Pg. 283
- ⑰ Deborah & Marlene Larry  
OR Vol. 796, Pg. 22
- ⑱ John M. & Cindy J. Turner  
OR Vol. 521, Pg. 201
- ⑲ Timothy G. & Trish Ann Yates  
OR Vol. 506, Pg. 775
- ⑳ LEO SCHWARTZ ALLOTMENT (Pm Vol. 4 Pg. 341)  
Lud 1  
David Vol. 716, Pg. 783
- ㉑ LEO SCHWARTZ ALLOTMENT (Pm Vol. 4 Pg. 341)  
Walter R. Prentiss  
OR Vol. 706, Pg. 250
- ㉒ LEO SCHWARTZ ALLOTMENT (Pm Vol. 4 Pg. 341)  
Lud 3  
OR Vol. 716, Pg. 619
- RENCES  
"L-41  
"N-398A & 407  
"O-398B & 379B  
"P-207 & 467  
"P-174  
"R-363  
"R-364  
"T-729B & 755  
"R-0 & 533  
"T-219 & 720  
"U-567

## REFERENCES

- 1.) SURVEY "L"-451
- 2.) SURVEY "N"-308A & 407
- 3.) SURVEY "O"-368 & 779B
- 4.) SURVEY "P"-207 & 407
- 5.) SURVEY "T"-474
- 6.) SURVEY "BB"-363
- 7.) SURVEY "H"-80
- 8.) SURVEY "QQ"-728 & 755
- 9.) SURVEY "RR"-9 & 533
- 10.) SURVEY "TT"-219 & 730
- 11.) SURVEY "UU"-867

## NOTES

- 1.) BEARINGS ARE ORIENTED TO THE STATE PLANE COORDINATE SYSTEM: OHIO NORTH ZONE (NAD83); HORIZONTAL DATUM: NAD83 (2011).  
2.) CONCRETE MONUMENTS INDICATED (SET) HAVE WITHIN THEM A 5/8-INCH IRON BAR (30-INCHES IN LENGTH) WITH A YELLOW PLASTIC

# **PLANNING COMMISSION APPLICATION INFORMATION SHEET**

**Application Number**

PC-17-20

**Scheduled Meeting Date**

08-23-2017

**Application Type**

Zoning Amendment - Map

**Property Location**

Long Road, PN 56-01929.000

**Property Information**

Acreage: 89.510

Zoning: NA

**Property Owner**

OHIO POWER COMPANY

**Applicant**

Thomas Scanlon

**Applicant's Project Description**

Ohio Power Company requests that the Planning Commission recommend a zoning classification of M-2 to City Council for Parcel ID No. 56-01929.000 prior to the time that City Council accepts an annexation of said parcel. Ohio Power Company acquired the property in question with the intent of constructing a new service center.

**A statement of the reason(s) for the proposed amendment and ways in which the proposed amendment relates to the Comprehensive Plan.**

Ohio Power Company ("Ohio Power") acquired the property in question with the intent of constructing a new service center for its operations in Wayne and surrounding counties. Please see the site plan attached hereto as Exhibit "A." The service center will include space for offices, truck parking, storage of power transmission related materials, and light vehicle maintenance.

Without the proposed amendment, Ohio Power will not be able to move forward with its plans. The proposed amendment is being pursued in conjunction with a proposed annexation of the subject property.

The property that is the subject of Ohio Power's plans and the proposed amendment is in an area that is best suited for industrial development by reason of location, utilities, and transportation systems. Ohio Power's plans and the proposed amendment will benefit the City by helping perform essential functions for the City, including promoting employment and strengthening the economy of the community.

The property is not within (and it does not border) any of the priority development areas as set forth in the Comprehensive Plan. Therefore, the proposed amendment will not interfere with the Downtown, Hospital District, South Highway Gateway, or East Wooster plans.

The property is located near area that is predominantly zoned "M-2" – General Manufacturing District. (There is one small area to the west which is zoned "R-1".) Ohio Power's plans and the proposed amendment are compatible with existing uses.

A legal description of the property is attached hereto as Exhibit "B." A plat of survey is attached hereto as Exhibit "C." Various maps including vicinity maps and a map showing existing topography at two-foot contour intervals are attached hereto as Exhibits "D," "E," and "F."

## **PLANNING COMMISSION APPLICATION INFORMATION SHEET**

### **Agenda Text**

Thomas Scanlon of Day Ketterer representing Ohio Power Company requesting an approval recommendation from the Planning Commission to City Council for a zoning map amendment to designate 89.510 acres on the south side of Long Road with Parcel Number 56-01929.000 to an M-2 (General Manufacturing) zoning district upon annexation into the City of Wooster





**CITY OF WOOSTER**  
**Planning and Zoning Division**  
538 North Market Street Wooster, OH 44691  
Phone: 330-263-5238

August 24, 2017

Dear Thomas Scanlon,

At the 08-23-2017 meeting of the City of Wooster Planning Commission, a motion was made to recommend approval of application PC-17-20, Thomas Scanlon of Day Ketterer representing Ohio Power Company requesting an approval recommendation from the Planning Commission to City Council for a zoning map amendment to designate 89.510 acres on the south side of Long Road with Parcel Number 56-01929.000 to an M-2 (General Manufacturing) zoning district upon annexation into the City of Wooster, as presented.

The motion received the necessary votes and the application will be forwarded to City Council with a recommendation of approval from the Planning Commission.

This action of the Planning Commission does not constitute approval of a Zoning Certificate, Variance, Building Permit, Engineering Development Permit, or other application required by the City of Wooster Codified Ordinances.

Please feel free to contact me at (330) 263-5238 or [adutton@woosteroh.com](mailto:adutton@woosteroh.com) if you have any questions or need any further information.

Sincerely,

Andrew Dutton  
Planning and Zoning Manager





## Application PC-17-20 Long Road Zoning Map Amendment

Property Owners: Ohio Power Company

Applicant: Thomas Scanlon of Day Ketterer

Location: South side of Long Road (Parcel Number 56-01929.000)

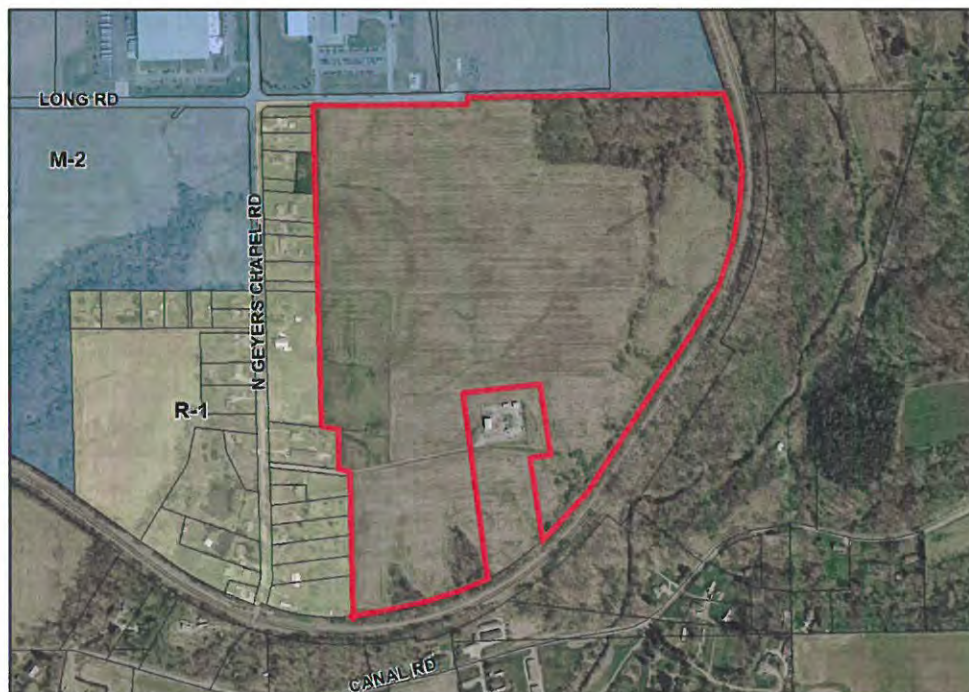
Proposed Zoning: M-2 (General Manufacturing)

Request: An approval recommendation from the Planning Commission to City Council for a zoning map amendment to designate 89.510 acres on the south side of Long Road with Parcel Number 56-01929.000 to an M-2 (General Manufacturing) zoning district upon annexation into the City of Wooster

### **LOCATION AND SURROUNDING USES**

The site consists of 89.510 acres on the south side of Long Road, east of North Geyers Chapel Road. Adjacent properties include the following uses and zoning:

- North – Industrial and Agricultural (M-2)
- South – Railroad, Single Family Residential, & Warehouse (Unincorporated)
- East – Railroad & Undeveloped (Unincorporated)
- West – Single Family Residential (R-1, Suburban Single Family Residential)



### **PROPOSED APPLICATION**

The applicant is currently progressing through the process of annexing the subject 89.510 acres of existing agricultural land into the City of Wooster. The applicant is requesting a zoning of M-2 for the subject property upon annexation into the City.



### **ZONING DISTRICT INTENT**

The intent of the M-2 zoning district is as follows, per Section 1143.01(f)(2):

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

### **PERMITTED USES**

Table 1143.02 includes a list of all Permitted (P), Conditional (C), Accessory (A), and Prohibited (– or not included in the table) uses in the M-2 zoning district:

<b>Table 1143.02 Permitted Uses</b>	
	<b>M-2 General Manufacturing</b>
<b>(1) Offices/Retail/Services</b>	
A. Administrative/professional offices, but not including medical and dental offices	--
B. Car wash	--
C. Drive-thru facility in association with a permitted use	--
D. Financial institution/Banks	--
E. Gasoline station/pumps	C
F. Kennel with outdoor run	C
G. Restaurant, indoor or other type of eating and drinking establishment	--
H. School, commercial, business, or trade	--
I. Service establishment, business	--
J. Service establishment, personal <sup>1</sup>	--
K. Veterinary office, animal hospital	P
<b>(2) Industrial/Warehousing Uses</b>	
A. Data Center	P
B. Light industrial processing, assembly	P
C. Manufacturing and production with outdoor activities (open space)	--
D. Manufacturing and production within enclosed building	P
E. Manufacturing using raw materials, including saw mill, asphalt plant, etc.	--
F. Metal, steel alloy fabrication	P
G. Outdoor storage of materials & general merchandise	P
H. Scientific research, development, training and testing facility	P
I. Transport and truck terminal	P
J. Self-storage facility, indoor	C





<b>Table 1143.02 Permitted Uses</b>	
	<b>M-2 General Manufacturing</b>
K. Warehousing	P
L. Wholesale sales & distribution, indoor	P
M. Wholesale sales & distribution, outdoor	P
<b>(3) General Commercial Uses</b>	
A. Agriculture/farm supplies and services	P
B. Business equipment sales and service	P
C. Business maintenance services	P
D. Cemetery monuments works	P
E. Cleaning establishments - laundry, carpet, other cleaning service	P
F. Commercial greenhouse	P
G. Construction trade, contractor's facility	P
H. Grain elevator, feed mill	--
I. Printing and publishing	P
J. Retail establishment	--
K. Sale of building materials	P
<b>(4) Vehicle/Equipment Sales, Service, Storage</b>	
A. Outdoor storage of fleet vehicles/equipment used in operation of principal use	C
B. RV, farm implement, construction equipment, or other large equipment sales, service and commercial storage	P
C. Vehicle repair garage	P
D. Motor vehicle body shop	P
<b>(5) Other Use Types</b>	
A. Agriculture	P
B. Commercial recreation, indoor	C
C. Crematorium	P
D. Mineral excavation, quarry operations	C
E. Plant nursery/greenhouse	P
F. Public service/maintenance facility	P
G. Utility substation/distribution facility, indoor & outdoor	P
H. Public safety, health or utility facility	P
I. Campgrounds	C
J. Recycling collection/processing facility	C
K. Radio and TV Stations	P



<b>Table 1143.02 Permitted Uses</b>	
	<b>M-2 General Manufacturing</b>
L. Wireless telecommunication facility	See Chapter 1173
<b>(6) Accessory Uses</b>	
A. Day care facility, child and/or adult	A
B. Outdoor sales and display	A
C. Off-street parking and loading facilities	A
D. Accessory medical clinics, lunchrooms, cafeterias, and recreational facilities in association with a permitted use	A
E. Outdoor Activities, see Section 1143.07	A
P = Permitted by right C = Conditional A = Accessory -- = Use not permitted in District	
<sup>1</sup> This use shall be permitted by-right when part of a multi-establishment building, and it is not the principal use of a building. If the use is proposed to be the principal use in any building (i.e. occupying the majority of gross floor area), then the use is a conditional use. <sup>2</sup> This use shall be permitted by-right only when part of a multi-establishment building and when it is not the principal use of a building (i.e. occupying the majority of gross floor area). Otherwise, it is a prohibited use.	

### **COMPREHENSIVE PLAN**

Land Use Objectives of the Comprehensive Plan relate to the proposed annexation and zoning classification, as follows:

#### **Objective LU.7 – Responsibly manage growth outside the City limits**

##### **Action LU.2.1**

*Identify sites that can accommodate new commercial, office and industrial development along the 585 Corridor.*

The City should identify areas in East Wooster that are prime for commercial, office, and industrial development. This development should be appropriately planned to minimize impacts on existing infrastructure while accommodating and promoting new development.

##### **Action LU.7.1**

*Extend the City boundary only when the expansion will result in new targeted economic growth, or serve to accomplish other goals and objectives of the Comprehensive Plan or other City policies.*

One of the clear themes from the public outreach conducted as part of this plan is to put a priority on infill and redevelopment before outward expansion of city boundaries. The City should put a priority on inward growth prior to outward growth to avoid sprawl development and place unnecessary stress on the existing infrastructure.

##### **Action LU.7.3**

*Ensure new annexations can be served by city utilities.*

If and when land is annexed into the City the impacts to the local infrastructure network should be considered. Specific impact studies should be completed (e.g. traffic, sewer, water) to examine the cost





of outward of an outward development pattern. These costs should be considered carefully so as to not 'tax' the existing infrastructure network.

The subject property is located in the vicinity of the 585 corridor. The majority of developed land in the area east of 585 is utilized for industrial and office uses. A pocket of single family residential homes exists to the west of the site along North Geyers Chapel Road. The submitted site plan, which is not under review at this time, shows the closest paved area approximately 200 ft. from the nearest residential property and the building approximately 330 ft. from the nearest residential property.

The subject annexation targets economic growth for a new AEP Service Center facility. In addition, the subject property is bounded by properties within the City of Wooster to the north and west and railroad tracks to the south and east, which provide a natural boundary.

City utilities are currently available along Long Road. The City of Wooster Engineering Division has not indicated any issues with servicing the subject property.

#### **CRITERIA FOR APPROVAL**

When a proposed amendment would result in a change of zoning classification of any property, the Planning Commission and the City Council should consider whether:

- (1) The change in classification would be consistent with the Comprehensive Plan of the City or other adopted plans and policies.
- (2) The change in classification would be consistent with the intent and purposes of this Planning and Zoning Code.
- (3) The proposed amendment is made necessary because of changed or changing conditions in the area affected, and if so, the nature of such changed or changing conditions.
- (4) The uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity. The Planning Commission may suggest conditions and restrictions on the uses that would be permitted on the property if it were reclassified in order to attain compatibility with the uses permitted on other property in the immediate vicinity.
- (5) The uses that would be permitted on the property if it were reclassified would have an adverse environmental or health impact on the immediate surrounding area in terms of acceptable air, noise, light, or water quality standards.
- (6) Adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified.
- (7) The amount of vacant land with the same zoning classification as proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, if any, make a substantial part of such vacant land unavailable for development.
- (8) The proposed amendment would correct an error in the application of this Planning and Zoning Code as applied to the subject property.

#### **STAFF RECOMMENDATION**

Staff recommends approval of application PC-17-20 to designate 89.510 acres on the south side of Long Road with Parcel Number 56-01929.000 to an M-2 (General Manufacturing) zoning district upon annexation into the City of Wooster.



## **CITY OF WOOSTER**

### ***Planning and Zoning Division***

538 North Market Street Wooster, OH 44691  
Phone: 330-263-5235 Fax: 330-263-5274

August 8, 2017

Dear Property Owner,

You are receiving this notice because you are an owner of property within 200 ft. of a Conditional Use application that has been submitted to The Planning Commission of the City of Wooster. The Commission will hold a public hearing at their next regular meeting regarding the subject application, as described below. The meeting will take place at City Hall, 1<sup>st</sup> floor Council Chambers, 538 North Market Street and will begin at 5:30 pm on Wednesday, August 23<sup>rd</sup>, 2017.

**PC-17-20** Thomas Scanlon of Day Ketterer representing Ohio Power Company requesting an approval recommendation from the Planning Commission to City Council for a zoning map amendment to designate 89.510 acres on the south side of Long Road with Parcel Number 56-01929.000 to an M-2 (General Manufacturing) zoning district upon annexation into the City of Wooster.

All interested parties are welcome to attend and will be provided the opportunity to address the Commission during the public hearing portion of the meeting. Special auxiliary aids for handicapped persons are available upon request with at least five (5) days' notice prior to the meeting. For further information, or to request special auxiliary aids, please contact the Planning and Zoning Division at (330)263-5238 during regular office hours.

Andrew Dutton  
Planning and Zoning Manager

Owner	Address	City
ARTIFLEX MANUFACTURING LLC	731 BROADWAY AVE NW	GRAND RAPIDS MI 49504-5247
BOORD ELMUS G JR & COLLEEN Y	126 N SUNSET DR	ORRVILLE OH 44667
COLLINS PRESTON & NANCY L	4054 CANAL RD	WOOSTER OH 44691
GATTEN MARK A & JANET L S/T	1313 N GEYERS CHAPEL RD	WOOSTER OH 44691
HESS TERESA L	1353 N GEYERS CHAPEL RD	WOOSTER OH 44691
LANG DELBERT	837 N GEYERS CHAPEL RD	WOOSTER OH 44691
MACHAMER TREE FARMS LLC	5030 CANAL RD	WOOSTER OH 44691
MARSHALL PAUL S	3050 BAYER CIR NW	MASSILLON OH 44646
MCCOY MARY E TRUSTEE ETAL	707 N HILLCREST DR	WOOSTER OH 44691
NOFSINGER THAD DOUGLAS	3786 CANAL RD	WOOSTER OH 44691
PINNICKS WALTER R	735 N GEYERS CHAPEL RD	WOOSTER OH 44691
ROHR DAVID & WANDA	3748 SYLVAN RD	WOOSTER OH 44691
STOUT HARLEY L	1189 N GEYERS CHAPEL RD	WOOSTER OH 44691
STOUT HARLEY LEROY	1223 N GEYERS CHAPEL RD	WOOSTER OH 44691
STREAM SIDE PROPERTIES LLC	761 EBY RD	WOOSTER OH 44691
TURNER JOHN M & CINDY K S/T	829 N GEYERS CHAPEL RD	WOOSTER OH 44691
TUTTLE GRACE L	785 N GEYERS CHAPEL RD	WOOSTER OH 44691
WOOSTER GROWTH CORPORATION	538 N MARKET ST	WOOSTER OH 44691
YATES TIMOTHY G & TINA A S/T	941 N GEYERS CHAPEL RD	WOOSTER OH 44691
YATES TIMOTHY G & TINA ANN	805 N GEYERS CHAPEL RD	WOOSTER OH 44691
ZIMMERMAN JERRY LEE & ELIZABETH S/T	1167 N GEYERS CHAPEL RD	WOOSTER OH 44691

**PC-17-20**



## **CITY OF WOOSTER**

### ***Planning and Zoning Division***

538 North Market Street Wooster, OH 44691

Phone: 330-263-5235 Fax: 330-263-5274

August 8, 2017

#### **DAILY RECORD**

**PLEASE PUBLISH August 13, 2017**

---

The City of Wooster Planning Commission will hold their Regular Meeting at 5:30 pm on Wednesday, August 23<sup>rd</sup>, 2017. The meeting will be held at City Hall, 1<sup>st</sup> floor Council Chambers, 538 North Market Street, Wooster, Ohio. At the meeting, the Planning Commission will hold a public hearing for the following applications:

PC-17-20. Thomas Scanlon of Day Ketterer representing Ohio Power Company requesting an approval recommendation from the Planning Commission to City Council for a zoning map amendment to designate 89.510 acres on the south side of Long Road with Parcel Number 56-01929.000 to an M-2 (General Manufacturing) zoning district upon annexation into the City of Wooster.

All interested parties are welcome to attend and will be provided the opportunity to address the Commission during the public hearing portion of the meeting. Special auxiliary aids for handicapped persons are available upon request with at least five (5) days' notice prior to the meeting. For further information, or to request special auxiliary aids, please contact the Planning and Zoning Division at (330)263-5238 during regular office hours.

Andrew Dutton  
Planning and Zoning Manager



# **PLANNING COMMISSION**

## **ENGINEERING COMMENT SHEET**

### **Application Number**

PC-17-20

### **Application Type**

Zoning Amendment - Map

### **Property Location**

889 N GEYERS CHAPEL RD

### **Project Description**

Ohio Power Company requests that the Planning Commission recommend a zoning classification of M-2 to City Council for Parcel ID No. 56-01929.000 prior to the time that City Council accepts an annexation of said parcel. Ohio Power Company acquired the property in question with the intent of constructing a new service center.

### **Engineering Division Comments August 1, 2017**

Engineering has no issues with zoning proposed. Development must comply with all City of Wooster storm water requirements.





[illegible][illegible]

OVERALL PLAN	DATE NO	A.1.0
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SCALE NOTED		APPROVED BY _____		DATE FOR OFF CHARG 10 AUGUST 1968 COLUMBIA D-4374	
ONE MAP					
TEN SA					
NINCH					
D-4374					




[illegible][illegible]

**BUILDING COORDINATES:**


81	N	418790	54394
	E	2138410	80527
82	N	4181763	60262
	E	2138256	88447
83	N	4187961	18334
	E	2138251	25802
86	N	4187928	71881
	E	2138436	32969





**OHIO UTILITIES PROTECTION SERVICE**

CALL BEFORE YOU DIG  
800-4-A- Dig 2-1141



**me consultants, inc.**  
Engineering & Construction  
2021 Lakeside Blvd.  
Cincinnati, OH 45219  
Phone: 513-763-7575  
Fax: 513-763-7576

**PROJECT:** \_\_\_\_\_

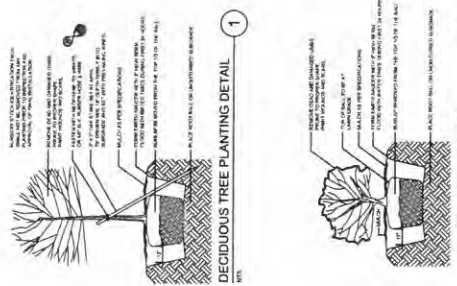
**LOCATION:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

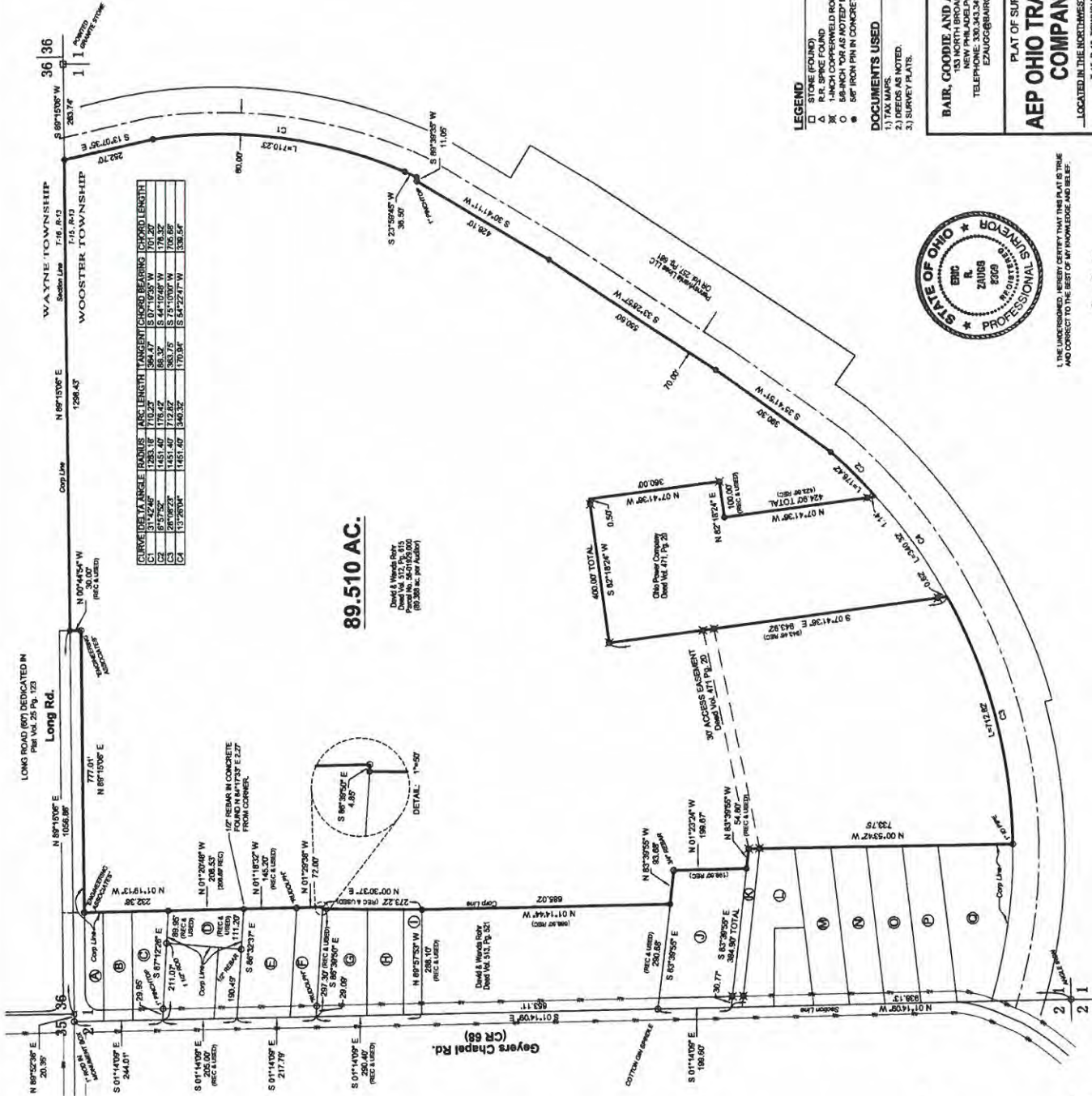
**BY:** \_\_\_\_\_

**CHECKED:** \_\_\_\_\_

**APPROVED:** \_\_\_\_\_

[illegible][illegible][illegible]





- REFERENCES**
- 1) SURVEY "L-51"
  - 2) SURVEY "L-52"
  - 3) SURVEY "L-53"
  - 4) SURVEY "L-54"
  - 5) SURVEY "L-55"
  - 6) SURVEY "L-56"
  - 7) SURVEY "L-57"
  - 8) SURVEY "L-58"
  - 9) SURVEY "L-59"
  - 10) SURVEY "L-60"
  - 11) SURVEY "L-61"
- NOTES**
- 1) BEARINGS ARE ORIENTED TO THE STATE PLANE COORDINATE SYSTEM: OHIO NORTH ZONE (2011); HORIZONTAL DATUM: NAD83 (2011).
  - 2) CONCRETE MONUMENTS INDICATED (SET) HAVE WITHIN THEM A 5/8-INCH IRON BAR (30-INCHES IN LENGTH) WITH A YELLOW PLASTIC CAP STAMPED "BAIR & GOODIE."

**LEGEND**

- STONE (FOUND)
- IRON MONUMENT
- ✕ 1-INCH COPPERWELD ROD IN CONCRETE (FOUND)
- 5/8-INCH "OR AS NOTED" REBAR (FOUND)
- 5/8" IRON PIN IN CONCRETE MONUMENT (SET)

**DOCUMENTS USED**

- 1) AS NOTED
- 2) DEEDS AS NOTED
- 3) SURVEY PLATS

**BAIR, GOODIE AND ASSOCIATES, INC.**  
133 NORTH BROADWAY STREET  
COLUMBUS, OHIO 43260  
TELEPHONE: 330.343.0000 FAX: 330.343.0005  
E2AL000@BAIRGOODIE.COM

**PLAT OF SURVEY FOR**  
**AEP OHIO TRANSMISSION**  
**COMPANY, INC.**

LOCATED IN THE NORTHWEST QUARTER OF SECTION 11,  
T.14S, R.43E, COUNTY OF WAYNE, AND STATE OF OHIO.  
SCALE: 1" = 200' DATE: 12/19/2011  
FILE NO. 14-000000

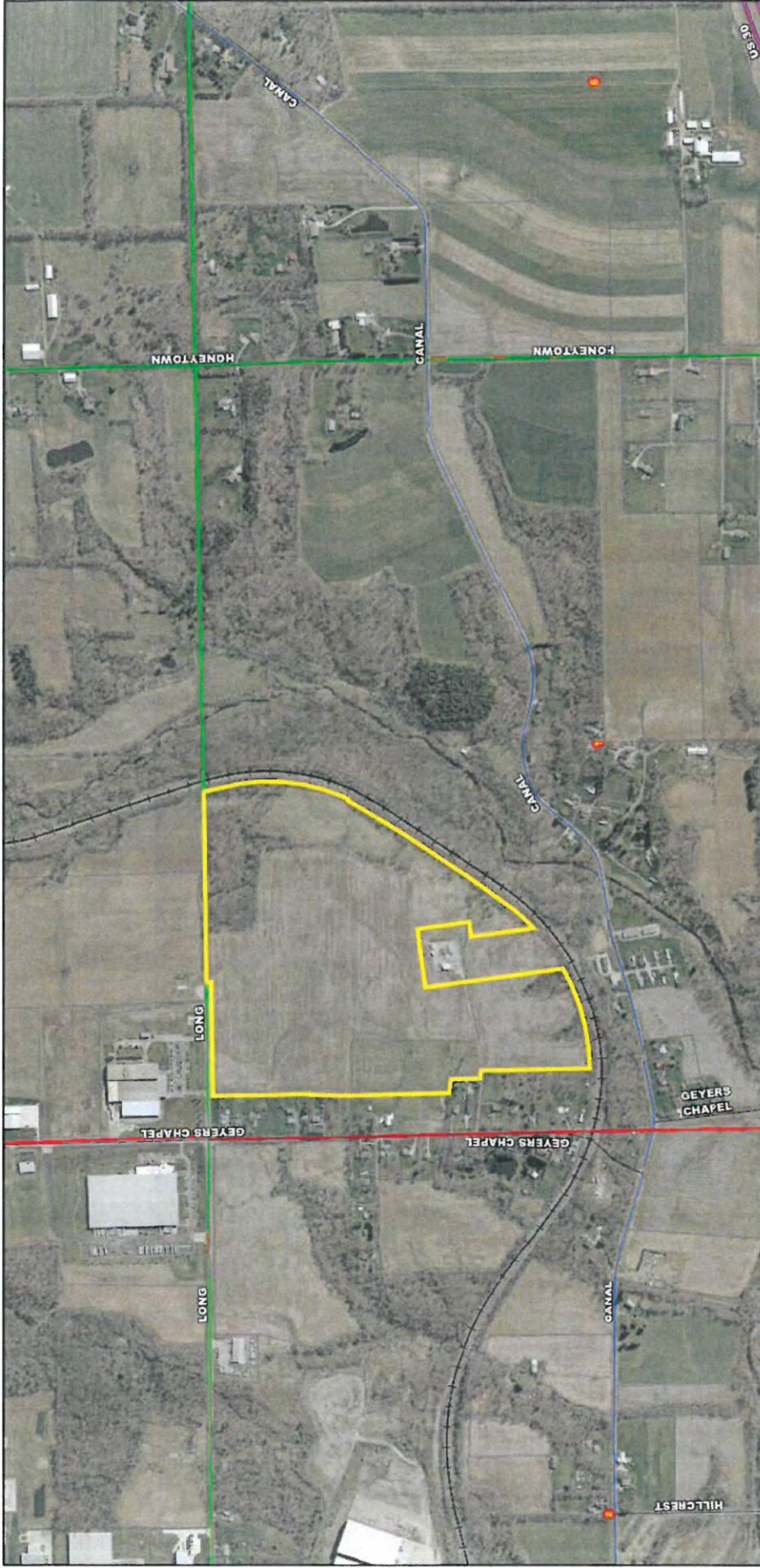
I, THE UNDERSIGNED, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

**STATE OF OHIO**  
ERIC R. BAIR  
2008  
PROFESSIONAL SURVEYOR

ERIC R. BAIR  
PROFESSIONAL SURVEYOR  
14-000000



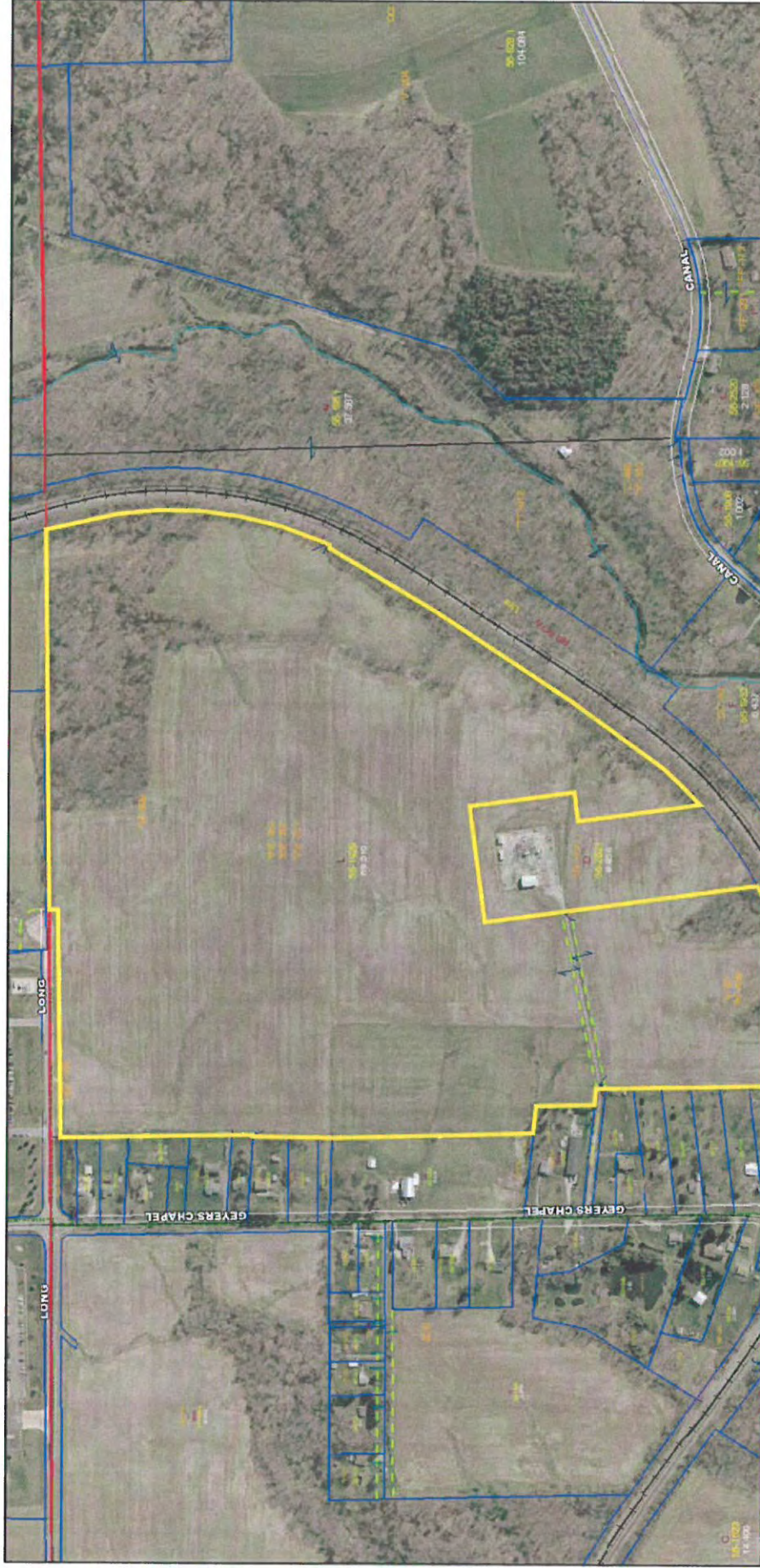
# Vicinity Map



August 1, 2017

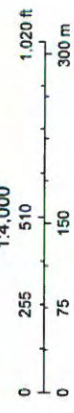


# Vicinity Map



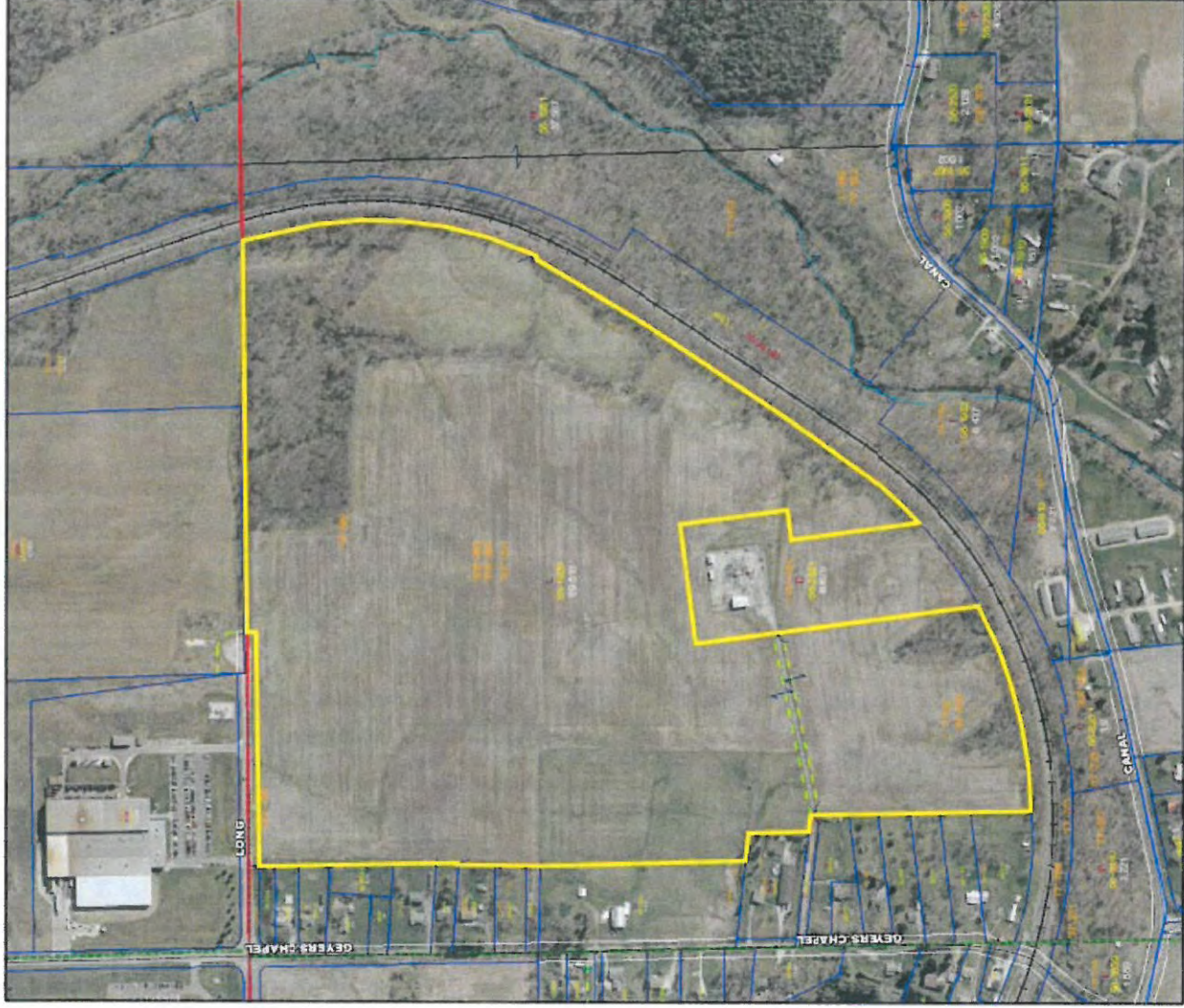
August 1, 2017

1:4,000





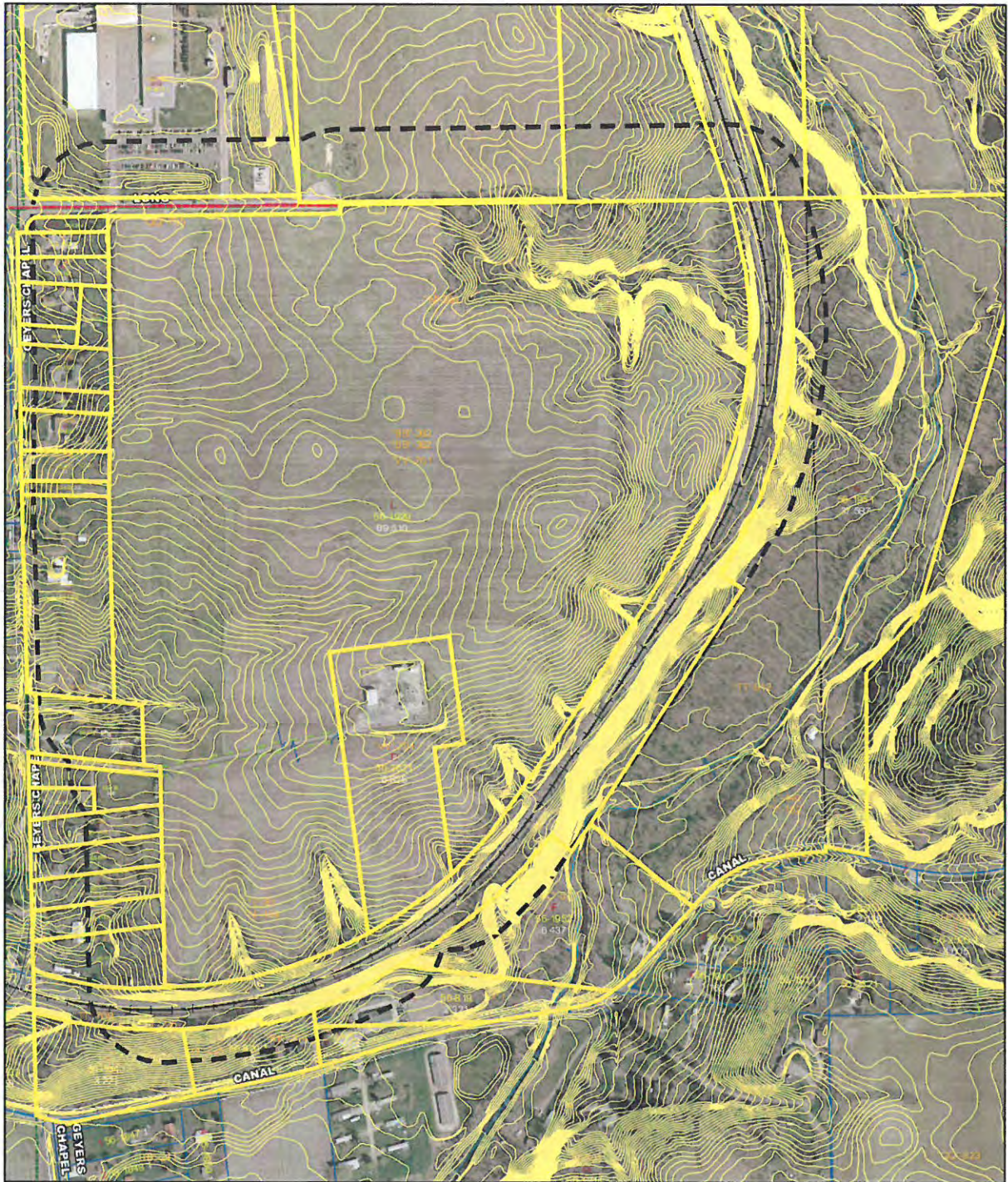
# Vicinity Map



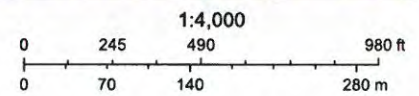
August 1, 2017



# Topography 2 ft. Contour Intervals Wayne/Wooster Twps

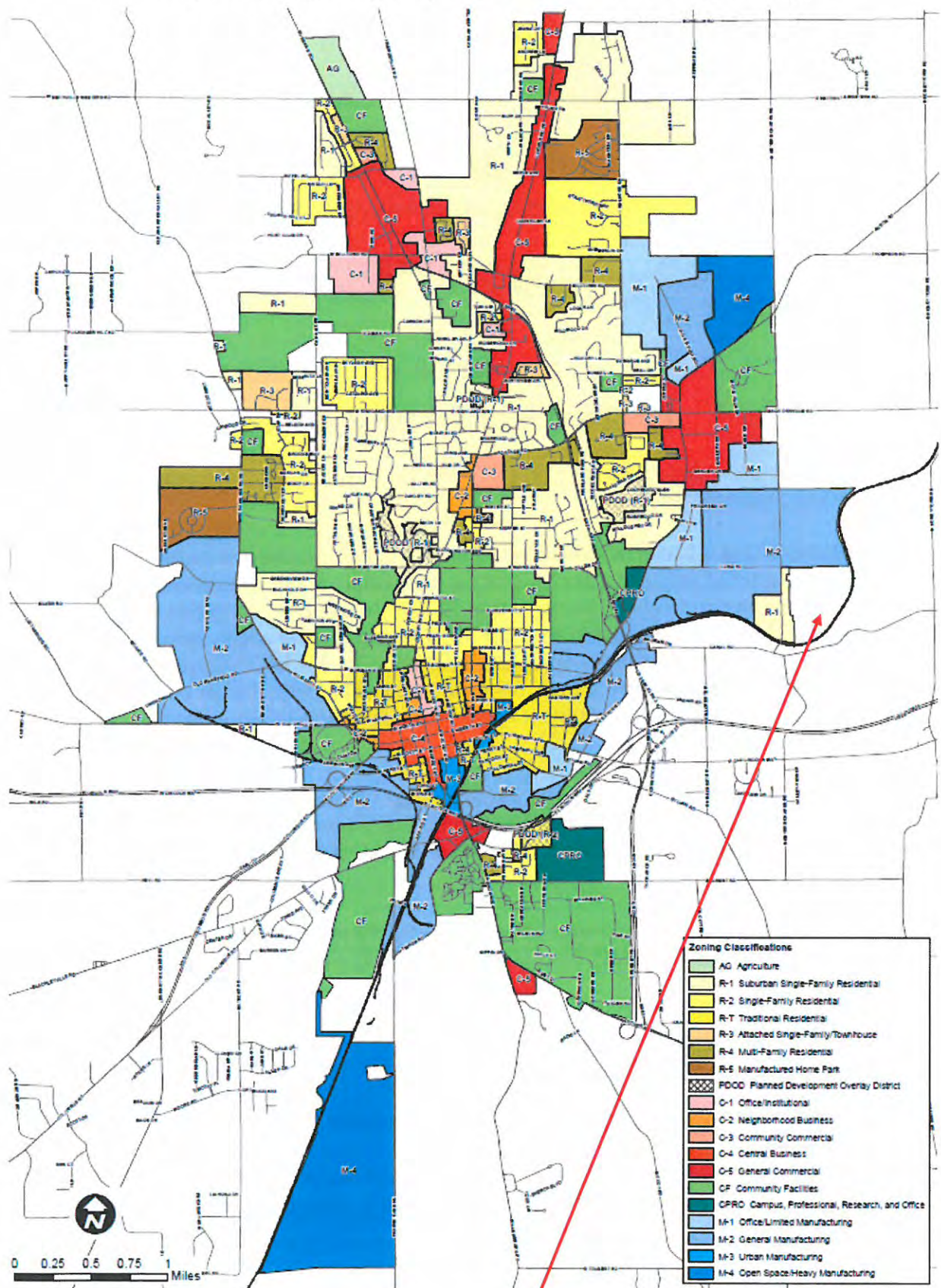


July 18, 2017





Map Showing Property Location and Existing Zoning



Location of property that is the subject of Ohio Power's plans.



Since 1972

# Bair, Goodie and Associates, Inc.

*CONSULTING ENGINEERS AND SURVEYORS*

FRANK E. BAIR, P.S. (OH/PA)  
JOHN M. PELTZ, P.E. (OH/KY)  
DANIEL L. SMALLWOOD, P.E. (OH/WV)  
KAYNE TOUKONEN, P.S. (OH)

153 NORTH BROADWAY  
NEW PHILADELPHIA, OHIO 44663

PHONE 330-343-3499  
FAX 330-343-9505  
E-MAIL [bairgoodie@bairgoodie.com](mailto:bairgoodie@bairgoodie.com)

December 19, 2016

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## DESCRIPTION OF A 89.510 ACRE TRACT

Situated in the Township of Wooster, (T-15, R-13), Northwest Quarter of Section 1, County of Wayne, and State of Ohio:

COMMENCING at a 1-inch rod (found) in a monument box marking the northwest corner of the Northwest Quarter of Section 1, also being at the intersection of the centerlines of Geyers Chapel Road and Long Road; THENCE North 89 deg. 52 min. 36 sec. East, 20.35 feet along the section line, Wayne Township line and the centerline of said Long Road to a R.R. spike (found) marking the southwest corner of the Southwest Quarter of Section 36; THENCE North 89 deg. 15 min. 06 sec. East, along the section line, Wayne Township line and the centerline of said Long Road to an iron pin in concrete monument (set) at the PLACE OF BEGINNING of the tract herein to be described;

1. THENCE from said BEGINNING, North 89 deg. 15 min. 06 sec. East, 1298.43 feet along the section line, Wayne Township line and City of Wooster Corp. Line to an iron pin in concrete monument (set) on Pennsylvania Lines LLC (Official Record Volume 257, Page 681) west line;
2. THENCE South 13 deg. 07 min. 35 sec. East, 252.70 feet along a chord subtending a spiral curve to the right along said Pennsylvania Lines LLC west line to an iron pin in concrete monument (set);
3. THENCE along a curve to the right an arc length of 710.23 feet having a delta of 31 deg. 42 min. 46 sec., a radius of 1283.18 feet, a tangent of 364.47 feet, a chord bearing of South 07 deg. 19 min. 35 sec. West, a chord distance of 701.20 feet along said Pennsylvania Lines LLC west line to an iron pin in concrete monument (set);
4. THENCE South 23 deg. 59 min. 45 sec. West, 36.50 feet along a chord subtending a spiral curve to the right along said Pennsylvania Lines LLC west line to an iron pin in concrete monument (set);

5. THENCE South 89 deg. 39 min. 35 sec. West, 11.05 feet along said Pennsylvania Lines LLC west line to a 1-inch pinchtap (found);
6. THENCE South 30 deg. 41 min. 11 sec. West, 426.10 feet along a chord subtending a spiral curve to the right along said Pennsylvania Lines LLC west line to an iron pin in concrete monument (set);
7. THENCE South 33 deg. 28 min. 57 sec. West, 550.60 feet along said Pennsylvania Lines LLC west line to an iron pin in concrete monument (set);
8. THENCE South 35 deg. 41 min. 51 sec. West, 390.30 feet along a chord subtending a spiral curve to the right along said Pennsylvania Lines LLC west line to an iron pin in concrete monument (set);
9. THENCE along a curve to the right an arc length of 176.42 feet having a delta of 6 deg. 57 min. 52 sec. a radius of 1451.40 feet, a tangent of 88.32 feet, a chord bearing of South 44 deg. 10 min. 48 sec. West, a chord distance of 176.32 feet along said Pennsylvania Lines LLC west line to a point on the Ohio Power Company's (Deed Volume 471, Page 20) east line, witnessed by a 1-inch copperweld rod in concrete (found) North 07 deg. 41 min. 36 sec. West. 1.14 feet;
10. THENCE North 07 deg. 41 min. 36 sec. West, 424.90 feet along said Ohio Power Company's east line to an iron pin in concrete monument (set);
11. THENCE North 82 deg. 18 min. 24 sec. East, 100.00 feet along said Ohio Power Company's east line to a 1-inch copperweld rod in concrete (found);
12. THENCE North 07 deg. 41 min. 36 sec. West, 360.00 feet along said Ohio Power Company's east line to a point, witnessed by a 1-inch copperweld rod in concrete (found) South 82 deg. 18 min. 24 sec. West, 0.50 feet;
13. THENCE South 82 deg. 18 min. 24 sec. West, 400.00 feet along said Ohio Power Company's north line to a 1-inch copperweld rod in concrete (found);
14. THENCE South 07 deg. 41 min. 36 sec. East, 943.92 feet along said Ohio Power Company's west line to a point on said Pennsylvania Lines LLC north line, witnessed by a 1-inch copperweld rod in concrete (found) North 07 deg. 41 min. 36 sec. West, 0.62 feet;
15. THENCE along a curve to the right an arc length of 712.82 feet having a delta of 28 deg. 08 min. 23 sec., a radius of 1451.40 feet, a tangent of 363.75 feet a chord bearing of South 75 deg. 10 min. 00 sec. West, a chord distance of 705.68 feet along said Pennsylvania



Lines LLC north line to a 1-inch ID pipe found on the east line of the Leo Schafrath Allotment (Plat Volume 4, Page 341) and said corp. line;

16. THENCE North 00 deg. 53 min. 42 sec. West, 733.75 feet along said Leo Schafrath Allotment, Timothy G. and Tina Ann Yates' (Official Record Volume 539, Page 273), John M. and Cindy K. Turner's (Official Record Volume 497, Page 2014), Delbert and Marsha Lang's (Official Record Volume 789, Page 92), and Ohio Power Company's (Deed Volume 468, Page 338) east line and said corp. line to a 1-inch copperweld rod in concrete (found);
17. THENCE North 83 deg. 39 min. 55 sec. West, 54.80 feet along said Ohio Power Company's (Deed Volume 468, Page 338) north line and said corp. line to an iron pin in concrete monument (set);
18. THENCE North 01 deg. 23 min. 24 sec. West, 199.67 feet along T&T Yates Allotment No. 1 (Plat Volume 26, Page 25) east line and said corp. line to a 3/4-inch rebar (found);
19. THENCE North 83 deg. 39 min. 55 sec. West, 93.68 feet along said T&T Yates Allotment No. 1 north line and said corp. line to a concrete monument (set);
20. THENCE North 01 deg. 14 min. 44 sec. West 685.02 feet along David and Wanda Rohr's (Deed Volume 513, Page 521) east line and said corp. line to an iron pin in concrete monument (set);
21. THENCE North 00 deg. 30 min. 37 sec. East, 273.22 feet along Jerry L. Zimmerman's (Deed Volume 702, Page 696), Leo Schafrath Allotment No. 2 (Plat Volume 5, Page 31) and Jerry Lee and Elizabeth Zimmerman's (Official Record Volume 116, Page 796 and 798) east line and said corp. line to an iron pin in concrete monument (set);
22. THENCE South 86 deg. 39 min. 50 sec. East, 4.85 feet along Harley L. Stout's (Official Record Volume 607, Page 606) south line and said corp. line to a 5/8-inch rebar "Rudolph" (found);
23. THENCE North 01 deg. 29 min. 38 sec. West, 72.00 feet along said Stout's east line and said corp. line to a 5/8-inch rebar "Rudolph" (found);
24. THENCE North 01 deg. 18 min. 32 sec. West, 145.20 feet along Harley Leroy Stout's (Official Record Volume 360, Page 1802) east line and along said corp. line to an iron pin in concrete monument (set);

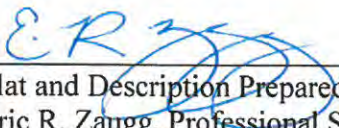
25. THENCE North 01 deg. 20 min. 48 sec. West, 208.53 feet along Elmus G. Jr. and Colleen Y. Boord's (Deed Volume 621, Page 170) east line to an iron pin in concrete monument (set);
26. THENCE North 01 deg. 19 min. 13 sec. West, 232.38 feet along Mark A. and Janet L. Gatten's (Deed Volume 640, Page 119), Teresa L. Hess' (Official Record Volume 455, Page 547 and Official Record Volume 566, Page 1536) and Wooster Growth Subdivision No. 1 (Plat Volume 25, Page 112) east line and said corp. line to a 5/8-inch rebar "Engineering Associates" (found) on the south line of said Long Road;
27. THENCE North 89 deg. 15 min. 06 sec. East, 777.01 feet along the south line of said Long Road and said corp. line to a 5/8-inch rebar "Engineering Associates" (found);
28. THENCE North 00 deg. 44 min. 54 sec. West, 30.00 feet along the east line of said Long Road to the PLACE OF BEGINNING, containing 89.510 acres, more or less, but subject to all legal highways, right-of-ways, and easements.

For survey See Volume \_\_\_\_\_, Page \_\_\_\_\_ of the Wayne County Survey Records.

Survey and description prepared by Eric R. Zaugg, Professional Surveyor No. 8309.

Permanent Parcel Number: 56-01929.000

Prior Deed Reference: Deed Vol. 512, Pg. 615

  
Plat and Description Prepared By  
Eric R. Zaugg, Professional Surveyor No. 8309



Inverse With Area

89.510 Ac closure.txt  
Mon Dec 19 08:31:41 2016

CRD File> C:\Carlson Projects\CHECK.crd

PntNo	Bearing	Distance	Northing	Easting	Description
1		27.37	42.17	PT	
	N 89°15'06" E	1298.43			
2		44.33	1340.49		
	S 13°07'35" E	252.70			
3		-201.77	1397.88		
	Radius: 1283.18 Chord: 701.20 Degree: 4°27'55" Dir: Right				
	Length: 710.23 Delta: 31°42'46" Tangent: 364.47				
	Chord BRG: S 07°19'35" W Rad-In: S 81°28'12" W Rad-Out: N 66°49'02" W				
	Radius PntNo: 30 N: -392.10 E: 128.89				
4		-897.25	1308.46		
	S 23°59'45" W	36.50			
5		-930.59	1293.62		
	S 89°39'35" W	11.05			
6		-930.66	1282.57		
	S 30°41'11" W	426.10			
7		-1297.09	1065.11		
	S 33°28'57" W	550.60			
8		-1756.32	761.36		
	S 35°41'51" W	390.30			
9		-2073.29	533.61		
	Radius: 1451.40 Chord: 176.32 Degree: 3°56'51" Dir: Right				
	Length: 176.43 Delta: 6°57'53" Tangent: 88.32				
	Chord BRG: S 44°10'48" W Rad-In: N 49°18'08" W Rad-Out: N 42°20'15" W				
	Radius PntNo: 31 N: -1126.87 E: -566.78				
10		-2199.74	410.73		
	N 07°41'36" W	424.90			
11		-1778.66	353.85		
	N 82°18'24" E	100.00			
12		-1765.27	452.95		
	N 07°41'36" W	360.00			
13		-1408.51	404.76		
	S 82°18'24" W	400.00			
14		-1462.06	8.36		
	S 07°41'36" E	943.92			
15		-2397.49	134.72		
	Radius: 1451.40 Chord: 705.68 Degree: 3°56'51" Dir: Right				
	Length: 712.82 Delta: 28°08'22" Tangent: 363.75				
	Chord BRG: S 75°10'00" W Rad-In: N 28°54'11" W Rad-Out: N 00°45'48" W				
	Radius PntNo: 31 N: -1126.87 E: -566.78				
16		-2578.15	-547.44		
	N 00°53'42" W	733.75			
17		-1844.49	-558.90		
	N 83°39'55" W	54.80			
18		-1838.44	-613.37		
	N 01°23'24" W	199.67			
19		-1638.83	-618.21		
	N 83°39'55" W	93.68			
20		-1628.49	-711.32		
	N 01°14'44" W	685.02			
21		-943.63	-726.21		



89.510 Ac closure.txt

	N 00°30'37" E 273.22	
22	-670.42	-723.78
	S 86°39'50" E 4.85	
23	-670.71	-718.94
	N 01°29'38" W 72.00	
24	-598.73	-720.81
	N 01°18'32" W 145.20	
25	-453.57	-724.13
	N 01°20'48" W 208.53	
26	-245.10	-729.03
	N 01°19'13" W 232.38	
27	-12.78	-734.38
	N 89°15'06" E 777.01	
28	-2.63	42.56
	N 00°44'54" W 30.00	
29	27.37	42.17

---

Closure Error Distance> 0.0032 Error Bearing> S 61°02'57" W  
Closure Precision> 1 in 3215971.3 Total Distance Inversed> 10304.09

Area: 3899037.2 Sq. Feet, 89.510 Acres



## ORDINANCE NO. 2017-24

### AN ORDINANCE AMENDING PART NINE OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO TO PROVIDE FOR AMENDMENTS AND NEW SECTIONS TO CHAPTER 921, WATER

WHEREAS, updates to Chapter 921 of the Wooster City Ordinances are required due to Ohio EPA regulations and industry standards, as well as to provide for the protection of the City's water system; and

WHEREAS, two new sections to Chapter 921, sections 921.07 and 921.08, are required to address cross connection and backflow prevention, and private water well issues. In addition, amendments to existing sections Chapter 921 were also essential for compliance;

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 nine of the Streets, Utilities, and Public Service Code, as described below.

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

#### CHAPTER 921

##### Water

- [921.01](#) Authority for restriction of use of water.
- [921.02](#) Enforcement.
- [921.03](#) Ownership and control of the public water supply system.
- [921.04](#) Tampering with water system.
- [921.05](#) Laying water lines; payment; assessment.
- [921.06](#) Utility rates, billing and collection; liability for charges.
- 921.07 Cross connection and backflow prevention.
- 921.08 Private water wells.
- [921.99](#) Penalty.

#### CROSS REFERENCES

- Power to provide and regulate water system - see Ohio R.C. 715.08, 717.01, 743.01
- Water pollution - see Ohio R.C. 715.08, 743.24 et seq.



Compulsory water connections - see Ohio R.C. 729.06, 743.23

Weekly deposit of water works money collected - see Ohio R.C. 743.06

Tampering with water hydrants, pipes or meters; unauthorized connections - see Ohio R.C. 4933.22

Backflow prevention and cross-connection control- see Ohio A.C. 3745-95, Ohio R.C. 6109.13

#### 921.01 AUTHORITY FOR RESTRICTION OF USE OF WATER.

The Mayor is hereby authorized to restrict the use of water in the City in the manner hereinafter provided:

(a) The Director of Administration shall notify the Mayor in writing that an emergency condition exists as to the water supply of the City.

(b) The Mayor shall issue a proclamation which shall be published at least once in a newspaper of general circulation in the City declaring such emergency and stating in plain language the restrictions placed upon the use of water.

(c) Such restrictions shall take effect the day following the publication set out in subsection (b) hereof. (Ord. 2664. Passed 8-16-54.)

#### 921.02 ENFORCEMENT.

No person shall use water from the Municipal water supply in violation of any restriction placed upon the use of the same by the Mayor when issued in accordance with Section [921.01](#). (Ord. 2664. Passed 8-16-54.)

#### 921.03 OWNERSHIP AND CONTROL OF THE PUBLIC WATER SUPPLY SYSTEM.

(a) The public water supply system of the City, including all water mains, laterals, valves, hydrants, meters, and services, is under the exclusive control of the Director of Administration and his/her authorized agents and employees. Such control shall include all piping from the City mains to the point of ultimate consumption or to where the City water is finally discharged freely at atmospheric pressure. Such control shall be governed by these Codified Ordinances and such water regulations as may be adopted by the Director of Administration.

(b) Whenever a break or leak occurs in a public water main, or the portion of a water service line between the water main and the curb box, the City will repair this at its own expense as soon as possible.

(c) Whenever a break or leak occurs in a private water main, or in the portion of a water service line between the curb box and the meter at any place upon the premises supplied, it shall be repaired at the expense of the customer or property owner. If the City, in order to prevent excessive waste or substantial damage, deems it to be an urgent and necessary action to shut off the water, such action will be taken. The City shall give written notice in advance to the customer and property owner. The customer or property owner must then make repairs before water service will be restored. In cases where the break or leak is creating a safety hazard or a high volume of water is being lost, the City, after using its best efforts to notify the customer and property owner, may elect to repair the break or leak with either its own personnel or a contractor, with the cost of such work being paid for by the property owner. The property owner may be charged for the water lost due to breaks or leaks, with the estimated rate of water loss being based on a standard engineering calculation and applied to



the period of time from when the property owner is first notified of the break or leak, to when the break or leak is repaired or the water is shut off (whichever occurs first). (Ord. 1995-11, Passed 6-5-95; Ord. 1997-32. Passed 7-8-97.)

(d) The City reserves the right to test and replace meters without the consent of the customer or property owner. The City will endeavor to provide reasonable notice prior to testing or replacing a meter.

(e) The customer and property owner are responsible for providing access to meters for authorized City personnel. Failure to comply may result in water service disconnection.

(f) The customer and property owner are responsible for maintaining plumbing at a property served by City water in a condition that allows metering equipment to be installed, maintained, and repaired or replaced by the City. Failure to comply may result in water service disconnection.

(g) The property owner is responsible for providing access for inside shutoffs at rental properties. If the property owner fails to provide access for an inside shutoff due to a delinquent account, the tenant's name will be removed from the account, and the owner's name will be placed onto the delinquent account.

#### 921.04 TAMPERING WITH WATER SYSTEM.

(a) No person shall connect to any water line, tamper with or remove any meter, registering device or seal placed by the City or insert a meter by-pass without the written permission of the Director of Administration. If City personnel find that a seal has been broken or any by-pass inserted and there is evidence that the meter or registering device has been tampered with, water service to the unit may be terminated after written notice to the consumer and an opportunity for a hearing. The water shall not be turned on again until the consumer or owner of the premises pays for the estimated quantity of water which has been used and not registered, and, in addition thereto, the standard fee for turning off and the standard fee for turning on such water. Payment of the fees will not in any way relieve any person from criminal prosecution. Meters damaged by abuse, misuse, accident or any act of carelessness shall be repaired or replaced at the expense of the customer.

(b) No person shall operate, open or otherwise tamper with any valve, corporation stop, curb stop, or other device after the same has been closed for violation of any rule or regulation of the City; nor unlawfully secure a supply of water through such valve, corporation stop, curb stop, or other device after same has been closed for the violation of any rule or regulation of the City; nor in any way take water for private use unlawfully or without first having secured written permission from the Director of Administration.

(c) No person shall tamper with, damage or disturb any fire hydrant, or any part thereof, nor take any water from such hydrant under any circumstances, without written authorization from the Director of Administration. In case any damage is done to a fire hydrant by any person, s/he shall, upon demand of the Utilities Division, pay such damages and all cost and expense incurred by reason thereof.

(Ord. 1995-11. Passed 6-5-95.)



921.05 LAYING WATER LINES; PAYMENT; ASSESSMENT; CONNECTIONS.

(a) Whenever the City installs water lines without the cost of such lines being paid for, or assessed against, all benefitting abutting property owners benefitting from, the owner of any such abutting property to be served by such lines, and for which property the cost has not been paid or assessed, shall pay his or her pro rata share of such lines before connecting. The charge to connect to such water lines in lieu of an assessment shall be the availability fee as set forth in the Schedule of Fees and Charges.

(Ord. 2004-7. Passed 4-5-04.)

(b) At the discretion of the Director of Administration, where the land to be charged has extraordinarily large frontage that will likely be subject to further subdivision, a written agreement may be executed between the property owner and the City to provide that the availability fee allocable to the excess frontage may be paid at a later time when such excess land is separately used or developed. The availability fee for such excess land shall be calculated at the frontage foot rate in effect at the time the request to connect is made.

(c) Whenever such lines are laid by the owners or other persons with the Director of Administration's authority, except in cases where the owners of new subdivisions are required to make such installations at their expense by the order of the Planning Commission under and by virtue of the Planning & Zoning Code of the City, such persons shall certify the cost of improvements to the Director immediately upon completion. These amounts shall be subject to the approval of the Director and may be reduced if the Director, after conferring with the Engineer, feels that the costs are excessive.

(d) The owner of any abutting property serviced by such lines, and for which property, the cost has not been paid, shall pay the availability fee as determined by the Director in accordance with this chapter before connecting. The money so received shall be paid to the persons who paid the cost of such line, or to their heirs, executors, administrators, or assigns, but in no event will the aggregate of such payments exceed the cost of the improvements certified to the Director. However, no such payment to such person or persons shall be made more than ten years after completion of the job and certification of the cost to the Director. Any money received for tapping in after ten years shall be a part of the Water Fund of the City.

(e) Water Service Connections.

(1) No person shall connect to water lines without having first applied for and received from the Division of Engineering a written permit authorizing such work. Application for a water service permit shall be made for all domestic water service taps and all fire service taps resulting from well abandonment, service replacement or new service connections, where no existing water service line exists.

(Ord. 2003-26. Passed 5-5-03.)

(2) Application for a permit shall be signed by the owner, lessee, or agent of the property for which the connection is desired, and must describe the property and state the purpose for the connection. Permit fees shall be designated on the water service permit and shall consist of the following:

A. Administrative and review fee: A fee to cover the cost of utility research and review of the proposed water service connection shall be charged for each permit application. The amount of the fee shall be as set forth in the Schedule of Fees and Charges.

B. Inspection fee: Inspection fees shall be as set forth in the Schedule of Fees and



Charges.

C. Availability fee: See Section [921.05\(a\)](#).  
(Ord. 2006-16. Passed 5-1-06.)

(3) All costs and expense incidental to the installation and connection of the water service shall be paid by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the water service.

(4) A separate and independent water service shall be provided for every metered user and for every fire service line. A single tap or connection may be made on the water main for both domestic and fire service, however, the service lines must be separated, and provisions made for isolation with valves prior to entering private property. Where a property owner seeks to modify existing water service lines and the existing water services do not comply with the provision for separate and independent water services for every metered user as required in this section, the property owner shall establish separate and independent water service lines as described in the City's water system rules and regulations.

(5) The size, alignment, materials of construction of a water or fire service, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, and connecting to the water main shall all conform to the requirements of the City Engineering Construction Standards, the Building Code of the City, and shall be approved by the City Engineer.

(6) The applicant for the water service permit shall notify the City Engineer when the water service is ready for inspection and connection to the water main. The connection shall be made under the supervision of the City Engineer or his representative.

(7) All excavations for water line installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(Ord. 2003-26. Passed 5-5-03.)

#### 921.06 UTILITY RATES, BILLING AND COLLECTION; LIABILITY FOR CHARGES.

(a) The Director of Administration has the authority and responsibility to assess utility user charges of sufficient amounts and in such manner as s/he deems equitable from all premises supplied with utility services. In assessing such user charges, s/he shall strictly observe the policy on rate-setting for enterprise funds set forth in Ordinance 1989-54. The Director of Finance has authority and responsibility for billing and collecting utility user charges, assessments and fees. The customer has the right to appeal any action resulting from this section and any actions resulting from utility regulations. Such request shall be made to the responsible authority.

(b) Requesting and accepting City utility services shall be deemed to create a contractual relationship between the City and the customer by which the customer agrees to pay all user charges and abide by all regulations for the provision of utility services. Liability for all utility service user charges rests with the property owner of record regardless of billing name or address. All administrative fees, late charges and/or other collection expenses shall be added to the utility billing of the service address.

(c) Whenever a break or a leak occurs on a private water main or in the portion of a water service line between the curb stop and the premises supplied, the City may elect to recover



costs incurred for the estimated water lost due to the break or leak and costs incurred for the repair of the break or leak with either its own personnel or a contractor (see 921.03c). For any such cost, after the actual cost is determined, the City shall give five days' notice, by regular mail, to the owner of the premises, at his or her last known address, to pay the cost of such work, which notice shall be accompanied by a statement of the amount of cost incurred. In the event that the same is not paid within thirty days after the mailing of such notice, such amount shall be collected as described below.

(d) When utility user charges are not paid when due, the Director of Finance or his representative may, in addition to charging delinquent charges and collection fees, do either or both of the following:

(1) Certify delinquent amounts, together with any penalties, to the County Auditor for placement on the tax duplicate as a lien on the property served and, collection in the same manner as other taxes.

(2) Collect delinquent amounts by action at law brought in the name of the City against the owner of the property, tenant or other person who is liable for the unpaid charges.

(e) In addition to the foregoing remedies, the Director of Administration or her/his representative may discontinue services to a property by reason of nonpayment of billed utility user charges. (Ord. 1997-32. Passed 7-8-97.)

#### 921.07 CROSS CONNECTION AND BACKFLOW PREVENTION.

(a) If, in the judgment of the Utilities Manager, an approved backflow prevention assembly is necessary for the safety of the public water system, the Utilities Manager will give notice to the water consumer and/or property owner to install such an approved assembly. The water consumer and/or property owner shall, at his or her own expense, install such an approved assembly at a location and in a manner approved by the Utilities Manager and shall have inspections and tests made of such approved assemblies.

(b) No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any connection where a private, auxiliary, or emergency water supply other than the regular public water supply of the City of Wooster may enter the supply or distributing system of the City, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply have been approved by the Utilities Manager and by the Ohio EPA.

(c) It shall be the duty of the Utilities Manager to cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the Utilities Manager deems necessary.

(d) The Utilities Manager and his or her duly authorized representative shall have the right to enter at any reasonable time any property served by a connection to the public water system or distribution system of the City of Wooster for the purpose of inspecting the piping system or systems. On demand the owner, lessees, or occupants of any property so served shall furnish to the Utilities Manager any information which he or she may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Utilities Manager, be deemed evidence of the presence of improper connections as provided in this section.

(e) The Utilities Manager of the City of Wooster is hereby authorized and directed to



discontinue, after reasonable notice to the occupant and/or property owner, the water service to any property where any connection in violation of the provisions of this section is known to exist, and to take such other precautionary measures as he or she may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected, in compliance with the provisions of this section. In the event that water service cannot be discontinued due to safety or liability constraints, the property owner may be assessed fines in accordance with section 921.99 until the violation is eliminated.

#### 921.08 PRIVATE WATER WELLS.

Any property that is served with City water shall not also be served by a private water well, unless the water service is properly designed to comply with the City's cross connection and backflow prevention requirements, including the installation of an approved backflow assembly and having inspections and testing made of the assembly. In all other cases, the property owner shall be responsible for properly plugging and abandoning any private water well(s) on the property following connection to City water.

#### 921.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one thousand dollars (\$1,000) per day.  
(Ord. 1995-11. Passed 6-5-95.)

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.

1<sup>st</sup> reading: 8/21/17 2<sup>nd</sup> reading: \_\_\_\_\_ 3<sup>rd</sup> reading: \_\_\_\_\_

Passed: \_\_\_\_\_, 2017 Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2017  
Mayor

Introduced by: Barb Knapic



## Request for Agenda Item Non-Capital

**Division** Utilities/Administration

**Meeting Date Requested** August 21, 2017

**Project Name** Updates to Utility Ordinance Chapter 921 – Water

☐ **Approved for Agenda**

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

Chapter 921 of the Wooster City Ordinances requires updates to conform to Ohio EPA regulations and industry standards, as well as provide for the protection of the City water system and its users.

**Main Issues**

- Cross Connection and Backflow Prevention
- Private Water Wells

State law (OAC 3745 and ORC 6109) requires cities to adopt rules, regulations and procedures for the adequate and safe operation of potable water systems. Ohio EPA supervises and enforces these provisions, and conducts periodic audits for compliance.

Prevention of contamination to the system is a priority, and was so noted in our most recent Water System Survey conducted by OEPA. The Manager of Engineering & Infrastructure for the EPA Division of Drinking & Ground waters recently provided direction to the City that all public water systems are required to implement and maintain a cross connection control program in accordance with OAC 3745-95. If a public water system is found not to be in compliance, they will be issued a violation, and failure to comply can result in escalated enforcement actions against the system.

Wooster has general provisions in our ordinances related to connection restrictions, prohibitions against tampering, and enforcement. Our ordinances and olicies do not contain specific provisions for backflow prevention and enforcement which are required for compliance with OAC 3745 and ORC 6109.

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

**Manager Requesting** Joel Montgomery/Kevin Givens/John Rice

**Date** 8/8/2017

**Approved for Agenda**

## CHAPTER 921

### Water

- [921.01](#) Authority for restriction of use of water.
- [921.02](#) Enforcement.
- [921.03](#) Ownership and control of the public water supply system.
- [921.04](#) Tampering with water system.
- [921.05](#) Laying water lines; payment; assessment.
- [921.06](#) Utility rates, billing and collection; liability for charges.
- [921.07](#) Cross connection and backflow prevention.
- [921.08](#) Private water wells.
- [921.99](#) Penalty.

### CROSS REFERENCES

Power to provide and regulate water system - see Ohio R.C. 715.08, 717.01, 743.01

Water pollution - see Ohio R.C. 715.08, 743.24 et seq.

Compulsory water connections - see Ohio R.C. 729.06, 743.23

Weekly deposit of water works money collected - see Ohio R.C. 743.06

Tampering with water hydrants, pipes or meters; unauthorized connections - see Ohio R.C. 4933.22

Backflow prevention and cross-connection control- see Ohio A.C. 3745-95, Ohio R.C. 6109.13



921.01 AUTHORITY FOR RESTRICTION OF USE OF WATER.

The Mayor is hereby authorized to restrict the use of water in the City in the manner hereinafter provided:

(a) The Director of Administration shall notify the Mayor in writing that an emergency condition exists as to the water supply of the City.

(b) The Mayor shall issue a proclamation which shall be published at least once in a newspaper of general circulation in the City declaring such emergency and stating in plain language the restrictions placed upon the use of water.

(c) Such restrictions shall take effect the day following the publication set out in subsection (b) hereof. (Ord. 2664. Passed 8-16-54.)

921.02 ENFORCEMENT.

No person shall use water from the Municipal water supply in violation of any restriction placed upon the use of the same by the Mayor when issued in accordance with Section [921.01](#). (Ord. 2664. Passed 8-16-54.)

### 921.03 OWNERSHIP AND CONTROL OF THE PUBLIC WATER SUPPLY SYSTEM.

(a) The public water supply system of the City, including all water mains, laterals, valves, hydrants, meters and services, is under the exclusive control of the Director of Administration and his/her authorized agents and employees. Such control shall include all piping from the City mains to the point of ultimate consumption or to where the City water is finally discharged freely at atmospheric pressure. Such control shall be governed by these Codified Ordinances and such water regulations as may be adopted by the Director of Administration.

(b) Whenever a break or leak occurs in a public water main, or the portion of a water service line between the water main and the curb box, the City will repair this at its own expense as soon as possible.

(c) If Whenever a break or leak occurs in a private water main, or in the portion of a water service line between the curb box and the meter at any place upon the premises supplied, it shall be repaired at the expense of the customer or property owner. If the City, in order to prevent excessive waste or substantial damage, deems it to be an urgent and necessary action to shut off the water, such action will be taken. The City shall give written notice in advance to the customer and consumer and property owner. The customer or property owner must then make repairs before water service will be restored. In cases where the break or leak is creating a safety hazard or a high volume of water is being lost, the City, after using its best efforts to notify the customer and property owner, may elect to repair the break or leak with either its own personnel or a contractor, with the cost of such work being paid for by the property owner. The property owner may be charged for the water lost due to breaks or leaks, with the estimated rate of water loss being based on a standard engineering calculation and applied to the period of time from when the property owner is first notified of the break or leak, to when the break or leak is repaired or the water is shut off (whichever occurs first). (Ord. 1995-11. Passed 6-5-95; Ord. 1997-32. Passed 7-8-97.)

(d) The City reserves the right to test and replace meters without the consent of the customer or property owner. The City will endeavor to provide reasonable notice prior to testing or replacing a meter.

(e) The customer and property owner are responsible for providing access to meters for authorized City personnel. Failure to comply may result in water service disconnection.

(f) The customer and property owner are responsible for maintaining plumbing at a property served by City water in a condition that allows metering equipment to be installed, maintained, and repaired or replaced by the City. Failure to comply may result in water service disconnection.

(g) The property owner is responsible for providing access for inside shutoffs at rental properties. If the property owner fails to provide access for an inside shutoff due to a delinquent account, the tenant's name will be removed from the account and the owner's name will be placed onto the delinquent account.



#### 921.04 TAMPERING WITH WATER SYSTEM.

(a) No person shall connect to any ~~public~~-water line, tamper with or remove any meter, registering device or seal placed by the ~~City's Utility Services office~~-City or insert a meter by-pass without the written permission of the Director of Administration. If ~~the Utility Services~~-City personnel find that a seal has been broken or any by-pass inserted and there is evidence that the meter or registering device has been tampered with, water service to the unit may be terminated after written notice to the consumer and an opportunity for a hearing ~~thereon, and~~ The water shall not be turned on again until the consumer or owner of the premises pays for the estimated quantity of water which has been used and not registered, and, in addition thereto, the standard fee for turning off and the standard fee for turning on such water. Payment of the fees ~~herein~~ will not in any way relieve any person from criminal prosecution. Meters damaged by abuse, misuse, accident or any act of carelessness shall be repaired or replaced at the expense of the customer.

(b) No person shall operate, open or otherwise tamper with any valve, ~~stopcock, curbcock~~- corporation stop, curb stop, or other device after the same has been closed for violation of any rule or regulation of the ~~Utility Services office~~-City; nor unlawfully secure a supply of water through such valve, ~~stopcock, curbcock~~- corporation stop, curb stop, or other device after same has been closed for the violation of any rule or regulation of the ~~Utility Services office~~-City; nor in any way take water for private use unlawfully or without first having secured written permission from the Director of Administration.

(c) No person shall tamper with, damage or disturb any fire hydrant, or any part thereof, nor take any water from such hydrant under any circumstances, without written authorization from the Director of Administration. In case any damage is done to a fire hydrant by any person, s/he shall, upon demand of the ~~Division of Fire~~ Utilities Division, pay such damages and all cost and expense incurred by reason thereof.  
(Ord. 1995-11. Passed 6-5-95.)



921.05 LAYING WATER LINES; PAYMENT; ASSESSMENT; CONNECTIONS.

(a) Whenever ~~the City installs~~ water lines ~~or portions thereof are laid at the expense of the City~~ without the cost of such ~~line or~~ lines being paid for ~~by~~, or assessed against, all ~~the benefitting abutting~~ property owners ~~abutting such lines and benefited benefitting from thereby~~, the owner of any such abutting property to be served by such ~~line or~~ lines, and for which property the cost ~~thereof~~ has not been paid or assessed, shall pay his ~~or her~~ pro rata share of such ~~line or~~ lines before ~~tapping-connecting therein~~. The charge to ~~tap into-connect to~~ such water lines in lieu of an assessment shall be ~~fees- the availability fee~~ as set forth in the Schedule of Fees and Charges.

(Ord. 2004-7. Passed 4-5-04.)

(b) At the discretion of the Director of Administration, where the land to be charged has extraordinarily large frontage that will likely be subject to further subdivision, a written agreement may be executed between the property owner and the City to provide that the ~~tap-in-charge-availability fee~~ allocable to the excess frontage may be paid at a later time when such excess land is separately used or developed. The ~~tap-in-availability~~ fee for such excess land shall be calculated at the frontage foot rate in effect at the time the request to ~~tap-in-connect~~ is made.

(c) Whenever such lines are laid by the owners or other persons with the ~~Director of Administration's~~ authority ~~of and under the direction of the Director of Administration~~, except in cases where the owners of new subdivisions are required to make such installations at their expense by the order of the Planning Commission under and by virtue of the ~~Subdivision Regulations- Planning & Zoning Code~~ of the City, such persons shall certify the cost of improvements to the Director immediately upon completion. These amounts shall be subject to the approval of the Director and may be reduced if the Director, after conferring with the Engineer, feels that the costs are excessive.

(d) The owner of any abutting property ~~thereby~~ serviced by such ~~line or~~ lines, and for which property, the cost ~~thereof~~ has not been paid, shall pay the ~~tap-charge-availability fee~~ as determined by the Director in accordance with this chapter before ~~connecting-tapping therein~~. The money so received shall be paid to the persons who paid the cost of such line, or to their heirs, executors, administrators, or assigns, but in no event will the aggregate of such payments exceed the cost of the improvements certified to the Director. However, no such payment to such person or persons shall be made more than ten years after completion of the job and certification of the cost to the Director. Any money received for tapping in after ten years shall be a part of the Water Fund of the City.

(e) Water Service Connections.

(1) No person shall connect ~~or tap on~~ to water lines ~~located within a public right-of-way or easements~~ without having first applied for and received from the Division of Engineering a written permit authorizing such work. Application for a water service permit shall be made for all domestic water service taps and all fire service taps resulting from well abandonment, service replacement or new service connections, where no existing water service line exists.

(Ord. 2003-26. Passed 5-5-03.)

(2) Application for a permit shall be signed by the owner, lessee, or agent of the property for which the connection is desired, ~~and by the person employed to perform the work~~, and must describe the property and state the purpose for ~~which~~ the connection ~~is desired~~. Permit fees shall be designated on the water service permit and shall consist of the following:

A. Administrative and review fee: A fee to cover the cost of utility research and review of the proposed water service connection shall be charged for each permit application. The amount of the fee shall be as set forth in the Schedule of Fees and Charges.

B. Inspection fee: Inspection fees shall be as set forth in the Schedule of Fees and Charges.

C. Availability fee: See Section 921.05(a).

(Ord. 2006-16. Passed 5-1-06.)

(3) All costs and expense incidental to the installation and connection of the water service shall be ~~borne paid~~ by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the water service.

(4) A separate and independent water service shall be provided for every metered user and for every fire service line. A single tap or connection may be made on the water main for both domestic and fire service, however, the service lines must be separated and provisions made for isolation with valves prior to



entering private property. Where a property owner seeks to modify existing water service lines and the existing water services do not comply with the provision for separate and independent water services for every metered user as required in this section, the property owner shall establish separate and independent water service lines as described in the City's water system rules and regulations.

(5) The size, alignment, materials of construction of a water or fire service, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, and connecting to the water main shall all conform to the requirements of the City Engineering Construction Standards, the Building Code ~~and Plumbing Code~~ of the City, and shall be approved by the City Engineer.

(6) The applicant for the water service permit shall notify the City Engineer when the water service is ready for inspection and connection to the ~~public~~ water main. The connection shall be made under the supervision of the City Engineer or his representative.

(7) All excavations for ~~building-sewer~~ water line installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(Ord. 2003-26. Passed 5-5-03.)



921.06 UTILITY RATES, BILLING AND COLLECTION; LIABILITY FOR CHARGES.

(a) The Director of Administration has the authority and responsibility to assess utility user charges of sufficient amounts and in such manner as s/he deems equitable from all premises supplied with utility services. In assessing such user charges, s/he shall strictly observe the policy on rate-setting for enterprise funds set forth in Ordinance 1989-54. The Director of Finance has authority and responsibility for billing and collecting utility user charges, assessments and fees. The customer has the right to appeal any action resulting from this section and any actions resulting from utility regulations. Such request shall be made to the responsible authority.

(b) Requesting and accepting City utility services shall be deemed to create a contractual relationship between the City and the customer by which the customer agrees to pay all user charges and abide by all regulations for the provision of utility services. Liability for all utility service user charges rests with the property owner of record regardless of billing name or address. All administrative fees, late charges and/or other collection expenses shall be added to the utility billing of the service address.

(c) Whenever a break or a leak occurs on a private water main or in the portion of a water service line between the curb stop and the premises supplied, the City may elect to recover costs incurred for the estimated water lost due to the break or leak and costs incurred for the repair of the break or leak with either its own personnel or a contractor (see 921.03c). For any such cost, after the actual cost is determined, the City shall give five days' notice, by regular mail, to the owner of the premises, at his or her last known address, to pay the cost of such work, which notice shall be accompanied by a statement of the amount of cost incurred. In the event that the same is not paid within thirty days after the mailing of such notice, such amount shall be collected as described below.

~~(e)~~—(d) When utility user charges are not paid when due, the Director of Finance or his representative may, in addition to charging delinquent charges and collection fees, do either or both of the following:

(1) Certify delinquent amounts, together with any penalties, to the County Auditor for placement on the tax duplicate as a lien on the property served and, collection in the same manner as other taxes.

(2) Collect delinquent amounts by action at law brought in the name of the City against the owner of the property, tenant or other person who is liable for the unpaid charges.

~~(d)~~—(e) In addition to the foregoing remedies, the Director of Administration or her/his representative may discontinue services to a property by reason of nonpayment of billed utility user charges. (Ord. 1997-32. Passed 7-8-97.)



#### 921.07 CROSS CONNECTION AND BACKFLOW PREVENTION.

(a) If, in the judgment of the Utilities Manager, an approved backflow prevention assembly is necessary for the safety of the public water system, the Utilities Manager will give notice to the water consumer to install such an approved assembly. The water consumer shall, at his or her own expense, install such an approved assembly at a location and in a manner approved by the Utilities Manager and shall have inspections and tests made of such approved assemblies.

(b) No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any connection where a private, auxiliary, or emergency water supply other than the regular public water supply of the City of Wooster may enter the supply or distributing system of the City, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply have been approved by the Utilities Manager and by the Ohio EPA.

(c) It shall be the duty of the Utilities Manager to cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the Utilities Manager deems necessary.

(d) The Utilities Manager and his or her duly authorized representative shall have the right to enter at any reasonable time any property served by a connection to the public water system or distribution system of the City of Wooster for the purpose of inspecting the piping system or systems. On demand the owner, lessees, or occupants of any property so served shall furnish to the Utilities Manager any information which he or she may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Utilities Manager, be deemed evidence of the presence of improper connections as provided in this section.

(e) The Utilities Manager of the City of Wooster is hereby authorized and directed to discontinue, after reasonable notice to the occupant, the water service to any property where any connection in violation of the provisions of this section is known to exist, and to take such other precautionary measures as he or she may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected, in compliance with the provisions of this section. In the event that water service cannot be discontinued due to safety or liability constraints, the property owner may be assessed fines in accordance with section 921.99 until the violation is eliminated.



#### 921.08 PRIVATE WATER WELLS.

Any property that is served with City water shall not also be served by a private water well, unless the water service is properly designed to comply with the City's cross connection and backflow prevention requirements, including the installation of an approved backflow assembly and having inspections and testing made of the assembly. In all other cases, the property owner shall be responsible for properly plugging and abandoning any private water well(s) on the property following connection to City water.

921.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one thousand dollars (\$1,000) per day.

(Ord. 1995-11. Passed 6-5-95.)



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.
- (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 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. 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 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 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 in the Armed Forces, Reserve, National Guard, or other Uniformed Services of the United States and has been honorably discharged, shall receive five points credit in addition to the test score. 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 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 and psychological 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. The Commission shall be notified in writing of all such appointments.

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. In no case shall a provisional appointment continue longer than 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. 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 one year 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 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 Fire Division above the rank of firefighter, who have completed five years of service as a regular sworn member, may take the examination for Chief. 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 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 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 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 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. 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.

(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 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. 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. 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 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 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.

### 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.

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 re-instated 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.

1<sup>st</sup> reading: \_\_\_\_\_ 2<sup>nd</sup> reading: \_\_\_\_\_ 3<sup>rd</sup> reading: \_\_\_\_\_

Passed: \_\_\_\_\_, 2017      Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2017  
Mayor

Introduced by: Barb Knapic

REDLINED -  
shows changes

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 “Class**ification 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 class**ification** to another class**ification** 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, rRegular 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~~fireman~~fighter, 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 re-instated 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.

1<sup>st</sup> reading: \_\_\_\_\_ 2<sup>nd</sup> reading: \_\_\_\_\_ 3<sup>rd</sup> 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**

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

**Lynne DePaulo**

*Administration Assistant*  
Phone: (330) 263-5242  
Fax: (330) 263-5247  
Email: ldepaulo@woosteroh.com

## 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 20<sup>th</sup> 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	Classified
Human Resources Coordinator	Unclassified
Information Systems Manager	Unclassified



Introduced by: Barbara A. Knapic

Red lined  
shows changes

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:

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(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	Classified
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. 2017-38

A RESOLUTION ACCEPTING THE AMOUNTS AND  
RATES AS DETERMINED BY THE BUDGET  
COMMISSION AND AUTHORIZING THE NECESSARY  
TAX LEVIES AND CERTIFYING THEM TO THE COUNTY  
AUDITOR

The Council of the City of Wooster, Wayne County met in regular session on the 5th of September, 2017, at the chambers of the Wooster City Council with the following members present:

JON ANSEL  
MARK CAVIN  
BARBARA KNAPIC  
SCOTT MYERS  
CRAIG SANDERS  
DAVID SILVESTRI  
JON ULBRIGHT

WHEREAS, this Council, in accordance with the provisions of law, has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2018; and

WHEREAS, The Budget Commission of Wayne County, Ohio has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax limitation; therefore be it

RESOLVED, By the Council of the City of Wooster, Wayne County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A				
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES				
FUND	Amount to Be Derived from Levies Outside 10 Mill Limitation	Amount Approved by Budget Commission Inside 10 Mill Limitation	County Auditor's Estimate of Tax Rate to Be Levied	
			Inside 10 Mill Limit	Outside 10 Mill Limit
	Column II	Column IV	V	VI
GENERAL		1,838,200	5.20	
FIREMAN'S FUND		153,900	0.30	
POLICE PENSION		153,900	0.30	
TOTAL		2,146,000	5.80	0.0
SCHEDULE B				
LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES				
FUND	Maximum Rate Authorized to Be Levied		County Auditor's Estimate of Yield of Levy Carry to Schedule A Column II	
GENERAL FUND				
	0.0			

WOOSTER



City of Wooster, Ohio  
Summary of Amounts Required from General Property Tax Approved by Budget Commission, and County Auditor's Estimated Tax Rates

Fund/Source	2013		2014		2015		2016		2017		2018	
	Est. Revenue	Millage	Est. Revenue	Millage	Est. Revenue	Millage	Est. Revenue	Millage	Est. Revenue	Millage	Est. Revenue	Millage
General Fund/Property Tax	\$ 1,797,700	3.9	\$ 1,817,800	3.9	\$ 1,837,200	3.9	\$ 1,826,600	5.2	\$ 1,840,000	5.2	\$ 1,838,200	5.2
Fire Pension Fund/Property Tax	\$ 150,200	0.3	\$ 151,900	0.3	\$ 153,500	0.3	\$ 152,500	0.3	\$ 153,900	0.3	\$ 153,900	0.3
Police Pension Fund/Property Tax	\$ 150,200	0.3	\$ 151,900	0.3	\$ 153,500	0.3	\$ 152,500	0.3	\$ 153,900	0.3	\$ 153,900	0.3
<b>Total</b>	\$ 2,098,100	4.5	\$ 2,121,600	4.5	\$ 2,144,200	4.5	\$ 2,131,600	5.8	\$ 2,147,800	5.8	\$ 2,146,000	5.8

RESOLVED, That the Clerk of this Council is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Moved

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Vote: \_\_\_\_\_

Attest:

President of Council

Mayor

Introduced by: Ansel



RESOLUTION NO. 2017-39

A RESOLUTION AUTHORIZING THE  
EXPENDITURE OF FUNDS FOR CONSULTING SERVICES  
WITH GREEN ARROW ENGINEERING

WHEREAS, since the acquisition of the Anerobic Digestion System (ADS) from Quasar Energy Group, the City has been utilizing the consulting services of Green Arrow Engineering, LLC. ("Green Arrow"). Green Arrow has been helping with the transition, and has also provided services, including, but not limited to, repairs and improvements to the operations; and

WHEREAS, since January 1, 2017, the City has paid Green Arrow \$49,990 for services, and future services will exceed \$50,000, increasing the costs above the \$50,000 limit requiring legislative authority under WCO 160.03; and

WHEREAS, it is now necessary to seek legislative authority to exceed the \$50,000 threshold, which will come from budgeted funds.

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

SECTION 1. That the City is authorized to exceed the \$50,000 threshold for consulting services with Green Arrow Engineering, LLC, for consulting services related to the City's ADS and its component parts.

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

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

Introduced: \_\_\_\_\_ Passed: \_\_\_\_\_ Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 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)

In accordance with Wooster Administrative Code Chapter 160.03, this request is for the authorization for expenditures exceeding \$50,000 to a single vendor or service provider (Green Arrow Engineering, LLC). To date, \$49,990 has been paid to Green Arrow Engineering since January 1, 2017. Future consulting services will exceed the \$50,000 threshold. This amount is budgeted in the 2017 Operations and Maintenance Budget.

After the acquisition of the Anerobic Digestion System (ADS) from Quasar Energy Group, there is a need for consulting services to help transition, repair and improve operation of the facility. Green Arrow has exclusive knowledge and experience with Wooster's ADS system and will also assist in the development of a new tipping fee schedule.

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

No

**Manager Requesting**

**Date**

**Approved for Agenda**



ORDINANCE NO. 2017-40

AN ORDINANCE AMENDING ORDINANCE NO. 2017-15  
BY AUTHORIZING THE MAYOR TO TRANSFER THE  
COMMUNITY REINVESTMENT AREA AGREEMENT  
FROM LORAL PROPERTIES LLC TO IALEXO LLC, A  
NEW OWNER, AND MODIFYING COMMITMENTS, AND  
DECLARING AN EMERGENCY

WHEREAS, this City Council, in Ordinance No. 2017-15, authorized the Mayor to enter into an agreement with Loral Properties LLC for Community Reinvestment Area Tax Incentives, including a capital investment of up to \$300,000.00 for the rehabilitation of 2241 Benden Drive, with abatement of real estate taxes for a period of ten (10) years; and

WHEREAS, Loral Properties LLC now desires to sell the property to iAlexo LLC, a Wooster-based firm with 23 employees and seeks the approval of this Council to transfer its rights and responsibilities under the existing Community Reinvestment Area Agreement to the new owner, all within the term of the existing CRA agreement.

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

SECTION 1. That Ordinance No. 2017-15 is amended to provide that the Mayor, on behalf of the City of Wooster, is authorized to enter into an *amended* agreement with Loral Properties, LLC and iAlexo LLC, where the latter will be substituted as the Enterprise, and thus eligible for the remaining CRA tax incentives. It is expressly understood that the new owner will assume the CRA agreement as it was originally executed and as it presently exists; that the terms will remain unchanged except as to identity of the new owner as the Enterprise; and except as specified in Section 2 below, and that the new owner will be required to meet all of the Enterprise's obligations thereunder.

SECTION 2. The Mayor, on behalf of the City of Wooster, is authorized to modify the CRA agreement to a full-time job retention commitment of 23 with a \$387,504.00 payroll.

SECTION 3. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

1st reading \_\_\_\_\_ 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2017

Vote: \_\_\_\_\_

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

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_, 2017

\_\_\_\_\_  
Mayor

Introduced by: Jon Ansel



August 24, 2017

Dear City of Wooster,

Loral Properties LLC currently has a community reinvestment area agreement, CRA #17-001, in place with the City of Wooster for improvements to its building at 2241 Benden Drive, Wooster, Ohio. We respectfully request that the City of Wooster modify its current agreement to allow a new owner, Ialexo, LLC to receive the same benefits, as this benefit has been part of our negotiations to sell our property.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Ratliff", with a stylized flourish at the end.

Alan Ratliff  
Loral Properties, LLC

**TRANSFER of CRA Application – Loral Properties LLC to iAlexo, LLC**  
**Office Building Re-Creation**  
**2241 Benden Drive, Wooster, Ohio 44691**  
**Authorized Representative: Mr. Andrew Bowers**

**PROPOSED AGREEMENT** for Community Reinvestment Area Tax Incentives between the City of Wooster located in the County of Wayne and iAlexo, LLC.

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

<u>iAlexo, LLC</u>	<u>Andrew Bowers</u>
Enterprise Name	Contact Person
<u>832 Greensview Drive</u>	<u>330.464.8626</u>
<u>Wooster, Ohio 44691</u>	
Address	Telephone Number

- b. Project site:

<u>NetOps Building</u>	<u>Andrew Bowers</u>
Location Name	Contact Person
<u>2241 Benden Dr.</u>	<u>330.464.8626</u>
<u>Wooster, Ohio 44691</u>	
Address	Telephone Number

2. a. Nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site.

This space will provide a permanent home for NetOps Consulting, LLC's operations and headquarters, a company incorporated by one of the same incorporators of iAlexo's. Office space for future lease, etc. Part of the space will be occupied by the owners, the remainder to be leased to one or more tenants.

- b. List primary 6 digit North American Industry Classification System (NAICS) #  
Business may list other relevant SIC numbers. N/A

c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred: iAlexo LLC currently leases space at the Wooster Industrial facility (1700 Old Mansfield Road, Wooster, Ohio 44691). Not a consolidation, but will relocate Loral Properties, LLC office (Ratliff Construction, Loral Properties)

- d. Form of business of enterprise (corporation, partnership, proprietorship, or other).  
Limited Liability Company - Partnership transitioning to S Corp



*TRANSFER of CRA Application – Loral Properties LLC to iAlexo, LLC  
Office Building Re-Creation  
2241 Benden Drive, Wooster, Ohio 44691  
Authorized Representative: Mr. Andrew Bowers*

3. Name of principal owner(s) or officers of the business.  
Mr. Andrew Bowers ~~Alan and Laurie L. Ratliff~~
4. a. State the enterprise's current employment level at the proposed project site:  
0 – This site has been vacant for an extensive period of time.
- b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Yes X No
- c. 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:  
iAlexo LLC will maintain the building for NetOps Consulting LLC, which employs 23 people at 1700 Old Mansfield Road and will relocate these positions to 2241 Benden Drive, Wooster, Ohio 44691. ~~Employees located at 2056 Portage Rd. Wooster Ohio will be relocated to 2241 Benden Dr. Wooster, Ohio~~
- d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees):  
23 full-time NetOps Consulting LLC employees at 1700 Old Mansfield Road, and four full-time field employees. ~~Two full-time employees~~
- e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets:  
23 Full-time employees at 1700 Old Mansfield Road, Wooster, Ohio 44691. ~~Two full-time employees.~~
- f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?  
23 full-time employees. ~~Two full-time employees~~
5. Does the Property Owner 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

**TRANSFER of CRA Application – Loral Properties LLC to iAlexo, LLC**  
**Office Building Re-Creation**  
**2241 Benden Drive, Wooster, Ohio 44691**  
**Authorized Representative: Mr. Andrew Bowers**

- 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).
6. Project Description: The building will be gutted to the studs. New roof, windows and doors cut into the exterior walls, interior walls constructed, plumbing wiring, HVAC insulation, drywall, interior trim and doors, cabinetry, floor covering, and landscaping. Depending upon client needs, this proposal includes the possibility of adding an addition to the structure along its southern face of approximately 2,500 square feet (Please see site plan for reference).
7. Project will begin May, 2017, and be completed September, 2018 provided a tax exemption is provided.
8. a. Estimate the number of new employees the property owner will cause to be created at the facility that is the project site (job creation projection must be itemized by the name of the employer, full and part-time and permanent and temporary):
- Zero (0) new Permanent Full-Time Jobs Created. (This project is retention-only, but does aspire to create opportunities for future job creation at the site.)
- b. State the time frame of this projected hiring: N/A yrs.
- c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees):
- Retention project only.
9. a. Estimate the amount of annual payroll such new employees will add \$0 – Permanent Full-Time; \$0 – Permanent Part Time; \$0 – Temporary Full-Time; \$0 – Temporary Part Time (new annual payroll must be itemized by full and part-time and permanent and temporary new employees).
- b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ 387,504 ~~60,000~~ total
10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:
- |  |                             |
|--|-----------------------------|
| A. Acquisition of Buildings:           | \$ <u>75,000.00</u>         |
| B. Additions/New Construction:         | \$ <u>150,000.00</u>        |
| C. Improvements to existing buildings: | \$ <u>150,000.00</u>        |
| D. Machinery & Equipment:              | \$ <u>0.00</u>              |
| E. Furniture & Fixtures:               | \$ <u>50,000.00</u>         |
| F. Inventory:                          | \$ <u>0.00</u>              |
| <b>Total New Project Investment:</b>   | <b>\$ <u>425,000.00</u></b> |



*TRANSFER of CRA Application – Loral Properties LLC to iAlexo, LLC*  
*Office Building Re-Creation*  
*2241 Benden Drive, Wooster, Ohio 44691*  
*Authorized Representative: Mr. Andrew Bowers*

11. a. Business requests the following tax exemption incentives: 50% for ten (10) years covering \$150,000 of real property as described above.

- b. Business's reasons for requesting tax incentives:

The iAlexo LLC project will enable the creation of a permanent home for NetOps Consulting LLC and its 23 employees. (Mr. Andrew Bowers is one of the incorporators for both iAlexo LLC and NetOps Consulting LLC). The facility and expansion will enable the technology firm with room to grow. Original: The tax abatement will enable us to spend more money on the building renovation, ensuring a renovation with strong atheistic value and lasting quality.

Submission of this application expressly authorizes City of Wooster to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item # 5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver form allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request.

The 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 benefits as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

iAlexo LLC

Name of Property Owner

Andrew J Bowers  
Signature

25 August 2017

Date

Mr. Andrew Bowers

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 Community Reinvestment Area Agreement as Exhibit A

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

## Request for Agenda Item Non-Capital

Division

Meeting Date Requested

Project Name

☐ Approved for Agenda

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

**Loral Properties LLC** and **iAlexo LLC** are seeking the City of Wooster's approval to transfer CRA Agreement 17-001 from the former to the later. Council previously approved Ordinance No. 2017-15 on April 3, 2017, allowing the Mayor to enter into an agreement with Loral Properties LLC for community reinvestment area tax incentives and declaring an emergency. The specific agreement provides for a 10-year, 50 percent tax abatement for Loral Properties LLC to assist it with the conversion of an abandoned restaurant at 2241 Benden Drive into a professional office, with an approximate 2,500 square-foot expansion, with a total estimated expenditure of \$150,000 to \$300,000. The agreement is not transferable without the express written approval of the City.

Originally, two full-time equivalent jobs were committed with a \$60,000 annual payroll, as Loral Properties had intended to move its offices to the site and also secure additional tenants. After site preparation had begun for the rehabilitation, NetOps Consulting, a Wooster-based technology firm operating from a leased location at 1700 Old Mansfield Road with 23 employees (and four field employees), determined that the entire 2241 Benden Drive property would make an ideal permanent home for its company. The applicant, iAlexo LLC intends to hold the building for NetOps Consulting's use. (Andrew Bowers, the authorized agent for the request, is an incorporator of both iAlexo LLC and NetOps Consulting LLC.)

Proposed is the purchase of 2241 Benden Drive, Wooster, Ohio, by iAlexo LLC, which will retain 23 Wooster employees with a minimum \$387,504 payroll. The rehabilitation work originally scoped remains the same and will still be managed by Loral Properties' owner, as originally proposed. Meanwhile, Loral Properties LLC will be seeking another property for its operations.

This office also recommends the **modification** of the original agreement to reflect that twenty-three full-time permanent jobs will be retained by iAlexo LLC, instead of two, and that the retained payroll will be \$387,504, instead of \$60,000.

As this request will result in retaining a higher number of jobs and payroll at the site, and all parties have acted in good faith with progress toward the proposed rehabilitation, the staff recommendation is to approve the transfer with a modification to the original agreement to reflect the increased job and payroll commitment.

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

A suspension of the rules is being requested in order to facilitate the CRA transfer, with modification, of Agreement 17-001 from Loral Properties LLC to iAlexo LLC and make the appropriate filings with the State of Ohio Development Services Agency.

Manager Requesting

Date

Approved for Agenda



## CRA TRANSFER WITH MODIFICATION REQUEST SUMMARY



Prepared by the City of Wooster Department of Community Service and Development at the Request of:  
**Loral Properties LLC and iAlexo LLC – 2241 Benden Drive, Wooster, Oh 44691**  
Application Date: 7 August 2017.

**Project Summary:** Loral Properties, LLC and iAlexo LLC are seeking the City of Wooster's approval to transfer CRA (Community Reinvestment Area) Agreement 17-01 from the former to the later. The agreement provides for a **10-year, 50 percent** property tax abatement on any increased value to 2241 Benden Drive (Parcel 67-02690.008) resulting from an approximate \$300,000 rehabilitation, including an approximate 2,500-ft<sup>2</sup> expansion. A minimum of **two** retained jobs with a combined payroll of **\$60,000** was originally committed, while the firm aspired to bring additional jobs to the site after construction is completed.

Presently, the 4,644-ft<sup>2</sup> abandoned restaurant on one acre has been secured and prepared for rehabilitation work. Only a few months past approval of the original agreement, however, NetOps Consulting LLC, a Wooster-based technology firm employing 23 people at a leased location at 1700 Old Mansfield Road (in addition to four field employees), has identified the property as an ideal permanent home for its business. The applicant, iAlexo LLC, would own the building for NetOps Consulting LLC (Andrew Bowers, the authorized agent, is an incorporator for both firms). While Loral Properties LLC's parent firm will continue to perform the originally planned rehabilitation work as a build-to-suit rehabilitation, NetOps Consulting LLC will become the actual owner of the property and wishes to benefit from the existing CRA. (Loral Properties LLC, in the meantime, will continue its search for a new location within the Wooster area.)

NetOps Consulting LLC will relocate all 23 of its Wooster employees to the 2241 Benden Drive location as a result of this project. In addition to the transfer, a **modification** of the original agreement is recommended by this office, increasing the job commitments from two with a \$60,000 payroll to 23 with a minimum \$387,504 payroll.

As the project scope has not changed, and the project will serve to create a permanent company-owned home to a Wooster business that now only leases its present location, and with progress on the site, this office recommends approval of the proposed transfer with modifications in the job and payroll commitments. Council approval and an Assignment of CRA agreement signed by all parties are required in order to accomplish the transfer.

**Attachments:** Loral Properties LLC letter requesting Transfer and iAlexo LLC Application.

### Loran Properties, LLC Project Map

2241 Benden Dr., Wooster, OH, 44691 (67-02690.008).



Photograph of 2241 Benden Drive as of February 6, 2017.



Parcel 67-02690.008 is outlined in green. The existing structure will receive a comprehensive rehabilitation (outlined in red) with the potential of adding approximately 2,500 square feet to the southern face of the structure. Two FTE jobs were originally committed. The assignment with modification will retain 23 jobs.