

## CITY COUNCIL AGENDA

April 2, 2012

7:30 p.m.

The meeting will be held 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

### IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

### V. COMMITTEE REPORTS; PUBLIC HEARINGS

### VI. OLD BUSINESS

1. Second Reading - RESOLUTION 2012-37 AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE IMPACT GROUP OF HUDSON, OHIO FOR SERVICES RELATED TO THE PREPARATION AND ADMINISTRATION OF A COMMUNITY SURVEY, AND THE DEVELOPMENT OF COMMUNICATION STRATEGIES RELATED THERETO, AND DECLARING AN EMERGENCY (Ansel)

### VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2012-08 AMENDING PART 17, TAXATION CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO (Knapic)
2. First Reading - ORDINANCE NO. 2012-09 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH S&D REALTY, LLC FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY (Ansel)
3. First Reading - ORDINANCE NO. 2012-10 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BRASFOND USA FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY (Ansel)
4. First Reading - ORDINANCE NO. 2012-11 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH RETAIL RENTALS, LLC, DBA JUSTBASICSPTS, INC. FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY (Ansel)
5. First Reading - ORDINANCE NO. 2012-12 AN ORDINANCE AMENDING CHAPTER 162, MANAGEMENT BENEFITS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO (Knapic)
6. First Reading - RESOLUTION NO. 2012-40 AUTHORIZING THE FIRE CHIEF TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF DIRECT DIESEL EXHAUST SYSTEMS FOR THE FIRE DIVISION (Steiner)
7. First Reading - RESOLUTION NO. 2012-41 AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE COLUMBUS ROAD RESURFACING PROJECT (PID 92645) (Ulbright)
8. First Reading - RESOLUTION NO. 2012-42 AMENDING RESOLUTION NO. 2009-37 BY INCREASING THE AMOUNT OF THE CONTRACT (Ulbright)

9. First Reading - RESOLUTION NO. 2012-43 AUTHORIZING THE MAYOR TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH BOYLAN & CANNON ELECTRONICS, INC. OF AKRON, OHIO FOR MAINTENANCE SERVICES FOR CITY-OWNED TWO-WAY RADIOS (Ansel)

10. First Reading - RESOLUTION NO. 2012-44 AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT TO THE STATE OF OHIO IN SETTLEMENT OF AN OEPA ENFORCEMENT ACTION (Ansel)

**VIII. MISCELLANEOUS**

**IX. ADJOURNMENT**

RESOLUTION NO. 2012-37

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

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

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

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

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

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

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

SECTION 4. This Resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary to facilitate the timely commencement and completion of the proposed services; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 3-19-12 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2012 Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2012  
Mayor

Introduced by: Jon Ansel



ORDINANCE NO. 2012-09

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH S&D REALTY, LLC FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY

WHEREAS, S&D Realty, LLC is a for-profit enterprise which desires to renovate a property located at 234 S. Market Street as a retail food and beverage business in Wooster within the area designated by Wooster City Council as the community reinvestment area (CRA), including a capital investment of up to \$255,000.00 for the renovation of an existing facility; and it has requested tax abatement as an incentive to such expansion; and

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

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

SECTION 1. That the Mayor is hereby authorized to enter into an agreement on behalf of the City of Wooster with S&D Realty, LLC for CRA tax incentives. The terms of such agreement will include, but not be limited to, the following: (1) abatement of real estate taxes of 100%; (2) for a maximum term not to exceed twelve (12) years; (4) retention of at least one (1) full-time and four (4) part-time jobs; and (4) such other terms as the Mayor, in his/her discretion, deems appropriate.

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

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary in order to facilitate implementation of the expansion project by the applicant; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Passed: \_\_\_\_\_, 2012 Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2012  
Mayor

Introduced by: Jon Ansel

ORDINANCE NO. 2012-10

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

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

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

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

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

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

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary in order to facilitate implementation of the expansion project by the applicant; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Passed: \_\_\_\_\_, 2012

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

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

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

Approved: \_\_\_\_\_, 2012

\_\_\_\_\_  
Mayor

Introduced by: Jon Ansel

ORDINANCE NO. 2012-11

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH RETAIL RENTALS, LLC, DBA JUSTBASICSPO RTS, INC., FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY

WHEREAS, JustBasicSports, Inc. is a for-profit enterprise which leases space from Retail Rentals, LLC for a manufacturing operation located at 1615 N. Geyer Chapel Road in Wooster, within the area designated by Wooster City Council as the community reinvestment area (CRA), and desires to construct an addition to its existing facility, including a capital investment of up to \$382,000.00 for the addition to the existing facility; and it has requested tax abatement as an incentive to such expansion; and

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

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

SECTION 1. That the Mayor is hereby authorized to enter into an agreement on behalf of the City of Wooster with Retail Rentals, LLC, doing business as JustBasicSports, Inc., for CRA tax incentives. The terms of such agreement will include, but not be limited to, the following: (1) abatement of real estate taxes of 50%; (2) for a maximum term not to exceed ten (10) years; (4) retention of at least six (6) full-time and one (1) part-time jobs; and (4) such other terms as the Mayor, in his/her discretion, deems appropriate.

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

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary in order to facilitate implementation of the expansion project by the applicant; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Passed: \_\_\_\_\_, 2012

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

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

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

Approved: \_\_\_\_\_, 2012

\_\_\_\_\_  
Mayor

Introduced by: Jon Ansel

ORDINANCE NO. 2012-12

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

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

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

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

162.09 MANAGEMENT POSITIONS.

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

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



**REQUEST FOR AGENDA ITEM  
AUTHORIZATION FOR CONTRACT**

Division: **Public Works**

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

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

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

\_\_\_\_\_  
Joel Montgomery  
Public Works Administrator

Date: **March 29, 2012**

ORD #12



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

Division Fire Project Name Station Direct Diesel Exhaust System Requested Meeting Date April 2nd, 2012

- Approved for Agenda  
 Full Amount is Budgeted

If not, how is purchase to be funded?

Description of Purchase

In 2011 the Wooster Fire Division applied and received a grant from Department of Homeland Security to install a direct diesel exhaust system at both fire Station #1 and fire Station #2. The fire division then asked for the approval from City Council on January 3rd 2012 to accept the funds and was approved with resolution 2012-02.

At this time the Fire Division is requesting authorization to advertise to bid according to law and enter into a contract with the lowest and best bidder for the purchase of a Direct Diesel exhaust system, in accordance with the specifications now on file in the Fire Chiefs Office.

The fire division would also like to ask for the transfer of operating funds that have been budgeted for this project to the capital ledger.

See attached Photo and Scope of Work

Justifications / Benefits

The grant awarded is a 90% to 10% match between FEMA and the City of Wooster. Expected cost to include both stations is \$75,000 to \$85,000. The city would pay 10%.

The grant was requested based on the health and Safety of the members of the division who work in our buildings as well as the public who visit. Both station are also in need of positive pressure throughout the building. This system will expelled the diesel fumes from all divisional units while still in stations.

How will this project effect the City's operating budget?

The city portion has been budgeted as part of the 2012 appropriations.

What alternatives exist, and what are the implications of the alternatives?

Sole Source Bid or Non-Bid Situation?

If Yes, explain the circumstances

Requesting suspension of the rules?

If Yes, explain reasons.

The funds that are required from the city as there share has been budgeted

Division Manager

Robert Eyler, Chief

Date

March 27th, 2012

Res #40



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

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

Res # 41



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

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

*Res #42*



