

**CITY COUNCIL AGENDA**

**December 5, 2011**

**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. Third Reading - RESOLUTION NO. 2011-89 AMENDING RESOLUTION NO. 2010-17 BY INCREASING THE AMOUNT OF THE CONTRACT (Silvestri)
  
2. Second Reading - ORDINANCE NO. 2011-33 APPROPRIATING FROM VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF WOOSTER FOR THE FISCAL YEAR ENDING DECEMBER 31, 2012, AND DECLARING AN EMERGENCY (Ansel)
  
3. Second Reading - RESOLUTION NO. 2011-96 ACCEPTING THE RECOMMENDATIONS OF THE WOOSTER TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AND COMMUNITY REINVESTMENT ACT AGREEMENTS (Ansel)

**VII. NEW BUSINESS**

1. First Reading - ORDINANCE NO. 2011-37 REVISING THE AUTHORIZED RANGE OF PAY SCALES AND BENEFITS FOR HOURLY RATED AND SALARIED EMPLOYEES AT WOOSTER COMMUNITY HOSPITAL, AND REPEALING FORMER ORDINANCES (Ansel)
  
2. First Reading - ORDINANCE NO. 2011-38 AUTHORIZING THE MAYOR TO EXECUTE AN ACCESS AGREEMENT FOR GROUNDWATER TESTING AT GROSJEAN PARK (Knapic)
  
3. First Reading - RESOLUTION NO. 2011-98 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH THE WAYNE COUNTY HUMANE SOCIETY FOR CAT CONTROL SERVICES WITHIN THE CITY OF WOOSTER (Steiner)
  
4. First Reading - RESOLUTION NO. 2011-99 AUTHORIZING THE MAYOR TO ISSUE PAYMENT TO THE WAYNE ECONOMIC DEVELOPMENT COUNCIL FOR ECONOMIC DEVELOPMENT SERVICES (Ansel)
  
5. First Reading - RESOLUTION NO. 2011-100 AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR SERVICES RENDERED UNDER CONTRACT(S) WITH VENDORS OR FOR SERVICES PROVIDED TO THE MUNICIPALITY (Ansel)

**VIII. MISCELLANEOUS**

**IX. ADJOURNMENT**

RESOLUTION NO. 2011-89

A RESOLUTION AMENDING RESOLUTION NO. 2010-17 BY  
INCREASING THE AMOUNT OF THE CONTRACT

WHEREAS, this City Council, in Resolution No. 2010-17, authorized the Director of Administration to enter into a contract for sludge hauling services for the water production and water pollution control plants, with the amount of the contract not to exceed the amount appropriated for this project in the 2010 Appropriations Budget; and

WHEREAS, the original contract was for a term of two years at an aggregate amount of \$790,000.00, but the contract amount has been revised to \$1,140,000.00, and it is necessary to authorize the payment of an additional \$350,000.00 in funds for the remainder of the contract. The additional monies are budgeted funds.

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

SECTION 1. That Section 2 of Resolution No. 2010-17 is hereby amended to read: Such contract will not exceed \$1,140,000.00, with the additional cost payable in equal increments from the Water and Water Pollution Control Funds as appropriated in Ordinance 2010-37.

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: 11-7-11 Passed: \_\_\_\_\_ Vote: \_\_\_\_\_  
11-21-11 2ND READING

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

Approved: \_\_\_\_\_, 2011  
Mayor

Introduced by: David Silvestri

ORDINANCE NO. 2011-33

AN ORDINANCE APPROPRIATING FROM VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF WOOSTER FOR THE FISCAL YEAR ENDING DECEMBER 31, 2012, AND DECLARING AN EMERGENCY

WHEREAS, the Charter of the City of Wooster provides, at §6.04, that no later than the second regular meeting of November the Mayor will prepare and present to the City Council for adoption an annual Appropriation Ordinance providing for the expenses of the municipal government for the coming fiscal year.

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

SECTION 1. That to provide for the current expenses and other expenditures of the City of Wooster for the Fiscal Year ending December 31, 2012, the following appropriations (detailed copy attached hereto) are hereby authorized.

SECTION 2. The budget approved by Council and the appropriation of funds to implement the budget represent the estimated expenditures needed to administer programs approved for the coming fiscal year. The budget is a work plan of the estimate of future needs for a given program as determined by Council when the budget is adopted.

In adopting the budget, Council recognizes that conditions may change during the fiscal year that may call for staff reductions or increases depending upon the facts in each instance.

In recognition of this fluid, constantly changing condition, the Mayor shall review requests for additional positions and for filling vacant positions within the limitations of the budget. After making a study of each request, he shall have the authority to approve, disallow or postpone such requests for additional personnel. In addition, he shall be responsible for resolving questions related to the staffing pattern of each department and division as determined by Council action on the annual budget.

Personnel requests in excess of the annual budget shall be studied and recommendations developed for the consideration of Council.

The Mayor shall be responsible for ascertaining that personnel requirements do not exceed those included or implied in the budget and/or Appropriation Ordinances.

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.

RESOLUTION NO. 2011-96

A RESOLUTION ACCEPTING THE RECOMMENDATIONS  
OF THE WOOSTER TAX INCENTIVE REVIEW COUNCIL  
WITH RESPECT TO EXISTING ENTERPRISE ZONE AND  
COMMUNITY REINVESTMENT ACT AGREEMENTS

WHEREAS, the state's Enterprise Zone law provides that the legislative authority, upon receipt of the written recommendations of the municipal tax incentive review council (TIRC), must vote to accept, cancel or modify all or any part of the TIRC's recommendations as to existing enterprise zone (EZ) and community reinvestment act (CRA) agreements; and

WHEREAS, the Wooster TIRC met on November 17, 2011, and after reviewing existing city EZ and CRA agreements coming within its jurisdiction, has recommended that all such agreements should be continued in effect.

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

SECTION 1. This City Council, after reviewing the recommendations of the Wooster TIRC (attached hereto as Exhibit A) as to existing EZ and CRA agreements coming within its jurisdiction, hereby indicates its acceptance and adoption of such recommendations.

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.

1st reading 11-21-11 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2011 Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2011  
Mayor

Introduced by: Jon Ansel

ORDINANCE NO. 2011-37

AN ORDINANCE REVISING THE AUTHORIZED RANGE OF PAY SCALES AND BENEFITS FOR HOURLY RATED AND SALARIED EMPLOYEES AT WOOSTER COMMUNITY HOSPITAL, AND REPEALING FORMER ORDINANCES

WHEREAS, the Board of Governors of Wooster Community Hospital, at its meeting on November 23, 2011, recommended the adoption of new maximum pay scales and benefits to remain competitive within the industry and community; and

WHEREAS, the Charter and Ordinances of the City of Wooster provide that the Board of Governors shall fix compensation for hospital personnel, subject to the approval of City Council.

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

SECTION 1. That the authorized range of pay scales and benefits for hourly rated personnel and salaried employees of the Wooster Community Hospital by grade and job group, respectively, shall be as shown on the schedule attached hereto and made a part hereof, and shall be made effective as of April 8, 2012.

SECTION 2. That the Board of Governors of Wooster Community Hospital shall have the authority to establish, or to promulgate the rules and regulations for establishing, the grade or job group into which each position at the hospital should be placed.

SECTION 3. That all previous ordinances and resolutions or sections thereof in conflict with this Ordinance are hereby repealed.

SECTION 4. This Council finds and declares that all formal actions concerning and relating to the adoption of this ordinance occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 5. This Ordinance shall take effect and be in force from and after April 8, 2012.

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

Passed: \_\_\_\_\_, 2011

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

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

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

Approved: \_\_\_\_\_, 2011

\_\_\_\_\_  
Mayor

Introduced by: Jon Ansel

ORDINANCE NO. 2011-38

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN ACCESS AGREEMENT FOR GROUNDWATER TESTING AT GROSJEAN PARK

WHEREAS, Halliburton Energy Services desires to perform groundwater monitoring in the vicinity of the property located at 503 Freedlander Road, and has contacted the city engineer for permission to gain access to and conduct such testing on the edge of Grosjean Park, at a point where park land is adjacent to the 503 Freedlander Road site; and

WHEREAS, such groundwater testing may include the drilling and maintenance of a groundwater monitoring well at the edge of the city's park property; and

WHEREAS, the Engineering Division has examined the location and determined that the encroachment will not interfere with any current municipal interest, and the Mayor believes the proposed testing (including a possible monitoring well) may be beneficial to city interests, and will not interfere with park activities.

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 Access Agreement with Halliburton Energy Services for access to and groundwater testing (including the possible drilling and maintenance of a monitoring well) on the edge of Grosjean Park, as appears on the aerial photograph and engineering drawing attached hereto as Exhibits A and B. This easement is subject to the following limitations: (1) that it will be dissolved immediately upon the destruction, dismantling or removal of any structure to be located thereupon; (2) that it is not transferable; (3) that it will be dissolved at such time as the City of Wooster, in its sole discretion, shall require the use of the right-of-way for municipal purposes; and (4) that Halliburton assumes all responsibility and liability for that which it owns, erects or otherwise places upon the easement, and for damage occurring to persons or property attributable to such.

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

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

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

Passed: \_\_\_\_\_, 2011 Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2011  
Mayor

Introduced by: Barbara A. Knopic





RESOLUTION NO. 2011-100

A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO  
ISSUE PAYMENT FOR SERVICES RENDERED UNDER  
CONTRACT(S) WITH VENDORS OR FOR SERVICES PROVIDED TO  
THE MUNICIPALITY

WHEREAS, the Director of Administration proposed to enter into contract(s) with vendors or others who have provided services essential to municipal operations; and

WHEREAS, Ohio law and local fiscal policy require that expenditures in excess of \$3,000.00 be accompanied by a fiscal officer's certification of the availability of funds issued at or before the time the contract is executed; and

WHEREAS, in the case below neither the purchase order nor the fiscal officer's certification were issued at the time performance of the contract or service commenced, thus necessitating that this matter come to the legislative authority for authorization of the drawing of warrants in payment of amounts due upon the contract; and

WHEREAS, the contractor has performed services in accordance with the terms of the contract or otherwise provided services to the municipality, such that authorization of payment is appropriate.

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

SECTION 1. That the Director of Finance is hereby authorized to draw a warrant for the payment of the following purchase order: Jack Doheny Supplies of Ohio, Inc., in the amount of \$3,153.72, payable from the Maintenance Division operating budget, for services related to repairs to the camera truck for the Maintenance Division.

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: \_\_\_\_\_, 2011

\_\_\_\_\_  
Mayor

Introduced by: Jon Ansel