

CITY COUNCIL AGENDA

May 16, 2011

7:30 p.m.

All meetings are held in Council Chambers, 1st Floor, 538 N. Market Street

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

VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2011-14 AMENDING CHAPTER 168, EMPLOYEES GENERALLY, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY RE-ADOPTING AN EXISTING DEFERRED COMPENSATION PLAN AND AUTHORIZING THE MAYOR TO APPROVE OTHER PLANS WHICH MAY BE IN THE BEST INTERESTS OF THE EMPLOYEES OF THE CITY (Buytendyk)
2. First Reading - ORDINANCE NO. 2011-15 AMENDING THE ANNUAL APPROPRIATION ORDINANCE, AND AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR SERVICES RENDERED (Ansel)
3. First Reading - ORDINANCE NO. 2011-16 APPROVING AND ADOPTING A STRATEGIC PLAN FOR DOWNTOWN WOOSTER (Ansel)
4. First Reading - ORDINANCE NO. 2011-17 VACATING A PORTION OF GASCHE STREET, BETWEEN WAYNE AVENUE AND UNIVERSITY STREET (Ulbright)
5. First Reading - RESOLUTION NO. 2011-52 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR REPAIRS ON SR 3 OVER US 30 WITHIN THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (Ulbright)
6. First Reading - RESOLUTION NO. 2011-53 ACCEPTING THE RECOMMENDATIONS OF THE WAYNE COUNTY TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AGREEMENTS, AND DECLARING AN EMERGENCY (Ansel)
7. First Reading - RESOLUTION NO. 2011-54 AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO A THREE-YEAR CONTRACT WITH SUNGARD PUBLIC SECTOR, INC. FOR BOTH ASP SERVICES AND TECHNICAL SUPPORT SERVICES FOR FINANCE DEPARTMENT AND HUMAN RESOURCES DIVISION SOFTWARE (Ansel)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

ORDINANCE NO. 2011-14

AN ORDINANCE AMENDING CHAPTER 168, EMPLOYEES GENERALLY, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY RE-ADOPTING AN EXISTING DEFERRED COMPENSATION PLAN AND AUTHORIZING THE MAYOR TO APPROVE OTHER PLANS WHICH MAY BE IN THE BEST INTERESTS OF THE EMPLOYEES OF THE CITY

WHEREAS, this Council has previously authorized the Mayor to enter into an agreement with the Ohio Public Employees Deferred Compensation Plan to provide deferred compensation services to the employees of the city; and

WHEREAS, from time-to-time there are other plans that may also provide services to the city employees, or some segment thereof, that are in the best interests of such employees.

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

SECTION 1. That Chapter 168, Employees Generally, of the Codified Ordinances of the City of Wooster Ohio be, and hereby is, amended by the adoption of Section 168.02, DEFERRED COMPENSATION PLANS, to read as follows:

168.02 DEFERRED COMPENSATION PLANS

(a) Council hereby re-adopts a plan under the Ohio Public Employees Deferred Compensation Program that permits all eligible employees the opportunity to join, the terms and conditions of which have previously been determined to be in the best interests of the employees of the City.

(b) The Mayor is further authorized by Council to execute an agreement and/or agreements with other organization(s) that provide deferred compensation plans on terms and conditions which the Mayor determines are in the best interest of the employees of the City, which agreement(s) shall authorize the organization(s) to offer a deferred compensation plan(s) to all employees of the City, and thereafter to administer the plan(s) on behalf of the City and its employees.

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

1st reading _____ 2nd reading _____ 3rd reading _____

Passed: _____, 2011

Vote: _____

Attest: _____

Clerk of Council

President of Council

Approved: _____, 2011

Mayor

Introduced by: Michael G. Buytendyk

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

Division Recreation Project Name Freedlander Pool Boiler Requested Meeting Date May 16, 2011

- Approved for Agenda
 Full Amount is Budgeted

If not, how is purchase to be funded?

Description of Purchase

Upon inspecting the boilers at Freedlander Pool filter room it was discovered that one of the two has a completely rotted out base and burner assembly. It unsafe to operate due to the fact that the base which supports all the weight of the boiler is rusted out and the legs are rusted out as well. This is a LARRS 1,430,000 Btu pool specific boiler. The cost of replacement is \$14,000. This includes all labor, materials, State boiler permit and removal of the old equipment. This quote was provided by Olson Heating and Cooling Inc. When asked about the cost to repair it we were quoted \$9,850.00 with no guarantee.

We obtained a second quote from Aqua Pools that was much higher at \$19,850.00.

Justifications / Benefits

If we only have one boiler in operation instead of two it will not be able to maintain the pool temperature between 80 - 82 degrees which is normal for recreational swimming. It could affect attendance.

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

The cost of \$14,000 was budgeted in the operations and maintenance for Freedlander Pool. It needs transferred to a Capital account for this purchase.

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

None

Sole Source Bid or Non-Bid Situation?

If Yes, explain the circumstances

Requesting suspension of the rules?

If Yes, explain reasons.

Once approved and ordered it will be 10 working days for delivery and several days for installation. Freedlander Pool opens on Saturday, May 28. Time is not on our side.

Division Manager

Susan Kelley

Date

May 11, 2011

**Request for Agenda Item
Non-Capital**

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

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

The City of Wooster, in partnership with Main Street Wooster has completed a comprehensive Strategic Plan for Downtown Wooster. This plan which will assist Main Street Wooster and its partners (City, County, Chamber of Commerce) with developing a redevelopment/revitalization plan for Wooster's Central Business District, has been approved as a on-going working document that the City and Main Street will continue to develop annually.

The current structure of the strategic plan must be approved by Wooster City Council, in order for the City of Wooster to apply for federal downtown revitalization monies this summer.

An electronic copy of the strategic plan will be sent to each councilperson this weekend. Additionally, City Administration and Main Street Staff is requesting that a work-session prior to the Council meeting be scheduled to review the plans findings.

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

Yes, in order for the City to apply for downtown grant monies, the downtown Strategic Plan document must be adopted by the local legislative body.

Manager Requesting

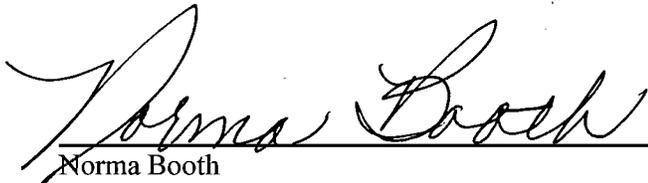
Date

Approved for Agenda

Ord # 16

PETITION TO VACATE PUBLIC STREET

The undersigned are all of the owners of property on both sides of Gasche Street in the City of Wooster, Ohio, between University Street and Wayne Avenue, and they hereby petition the City Council of Wooster, Ohio, to vacate that portion of Gasche Street and to take all necessary action to implement this vacation of public street. We understand that ownership of the vacated portion of the street will revert to the owners on each side to the middle of the present right-of-way.



Norma Booth
804 E. University St.
Wooster, Ohio 44691
Owner, Lot # 2174

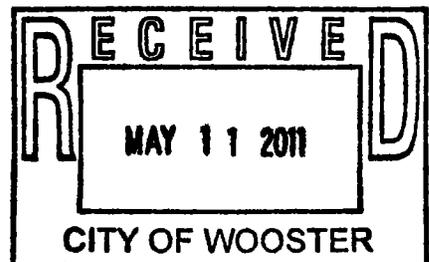
4/29/11
Date

The College of Wooster

By: 

Laurie Stickelmaier, Vice-President of Finance & Business
1101 N. Bever St.
Wooster, Ohio 44691
Owner, Lots 9047 & 9048

4/29/11
Date



CONSENT LEGISLATION

~~Ordinance~~/Resolution No. 2011-52
PID No. 81936
Project Name WAY SR 0003 12.05

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

SECTION I - Project Description

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

To perform repairs on the structure located at WAY SR 3 SLM 12.32 (SR 3 over US 30.) These repairs will include a bridge deck overlay, expansion joint replacement, bearing replacement, backwall repair, pier encasement, cross frame replacement, approach slab replacement, median repair, concrete rail repair, safety curb repair, concrete sealing, and bridge painting.

This bridge is located within the City.

This project is currently scheduled for the summer 2012 construction season.

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

SECTION II - Consent Statement

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

SECTION III - Cooperation Statement

The City shall cooperate with the Director of Transportation in the above described project as follows:

- 1) *The City gives consent for the above improvement,*
- 2) *No funds are required from the City except that the City agrees to assume and bear one hundred percent (100%) of the total cost for added construction items requested by the City and not necessary for the improvement as determined by the State and the Federal Highway Administration.*

SECTION IV - Maintenance

The City will maintain the right-of-way and keep it free of obstructions, and hold said right-of-way

inviolate for public highway purposes.

SECTION V - Authority to Sign

The Director of Administration of said City of Wooster is hereby empowered on behalf
(Contractual Agent)
of the City of Wooster to enter into contracts with the Director of Transportation necessary to complete the above described project.

Passed: _____, 201____.
(Date)

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

Attested: _____
(Title) (President of Council)

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

**CERTIFICATE OF COPY
STATE OF OHIO**

City of Wooster of Wayne County, Ohio

I, Cheryl K. Collins, as Clerk of the City of Wooster of Wayne County, Ohio,

Do hereby certify that the foregoing is a true and correct copy of Resolution adopted by
(Ordinance/Resolution)

the legislative Authority of the said City of Wooster on this ____ day of _____, 201__.

that the publication of such Resolution has been made and certified of record according to
(Ordinance/Resolution)

law; that no proceedings looking to a referendum upon such Resolution have been taken;
(Ordinance/Resolution)

and that such Resolution and certificate of publication thereof are of record in
(Ordinance/Resolution)

Resolution, ~~Page~~ No. 2011-52.
(Ordinance/Resolution)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this ____ day of _____, 201__.

(SEAL)
(If Applicable)

Clerk Signature
City of Wooster of Wayne County, Ohio.

The foregoing is accepted as a basis for proceeding with the project herein described.

For the City of Wooster of Wayne County, Ohio

Attest: _____, Date _____
Contractual Officer
Director of Administration

For the State of Ohio

Attest: _____, Date _____

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

Division Engineering	Meeting Date Requested May 16, 2011
Project Name SR 3 Bridge over US 30 Repair	Approved for Agenda
Estimated Total Cost \$0	
Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded?	
Description Of Purchase An ordinance only for the purpose of giving consent to ODOT to repair a bridge within the City of Wooster Corporation limits.	
Justification / Benefits This bridge needs various repairs, including bridge deck overlay, expansion joint replacement, rail replacement, concrete repair, minor structural repairs, and other miscellaneous superstructure repairs. This project will not require any City funds.	
Will This Project Effect the City's Operating Costs No effect.	
What Alternatives Exist and What Are The Implications of The Alternatives There are no reasonable alternatives. If we fail to give consent, the City could ultimately be held responsible for the repairs.	
Is This A Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Explain The Circumstances This is an ODOT project.	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Note Reasons ODOT is requesting that the completed legislation be returned to them no later than June 28, 2011.	
Division Manager Joel Montgomery	Date May 11, 2011



Tomorrow Together

Honoring our past... shaping our future
WAYNE COUNTY, OHIO

BOARD OF COUNTY COMMISSIONERS
JIM CARMICHAEL • ANN M. OBRECHT • SCOTT S. WIGGAM

May 6, 2011

Mayor Bob Breneman
City of Wooster
538 N. Market Street
Wooster, OH 44691

Dear Mayor Breneman:

Pursuant to ORC 5709.85 a legislative authority that received from a tax incentive review council written recommendations shall, within sixty (60) days after receipt, hold a meeting and vote to accept, reject or modify all or any portion of the recommendations.

Here are the most recent T.I.R.C. recommendations (minutes of the review meetings are attached).

<u>April 4, 2011</u>		<u>April 11, 2011</u>	
Akron Brass	CONTINUE	LUK, Inc.	CONTINUE
Frito-Lay	CONTINUE	Tekfor	CONTINUE
		Gerstenslager	CONTINUE

Please forward to me a copy of the minutes or resolution (whichever is applicable) regarding action taken.

If you have questions concerning this issue, please contact me at (330) 287-5420.

Sincerely,

Betsy Sparr
Betsy Sparr,
Enterprise Zone Manager

Enc./ cc: TIRC Members Company Reps File Copy

RESOLUTION NO. 2011-54

A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO A THREE-YEAR CONTRACT WITH SUNGARD PUBLIC SECTOR, INC. FOR BOTH ASP SERVICES AND TECHNICAL SUPPORT SERVICES FOR FINANCE DEPARTMENT AND HUMAN RESOURCES DIVISION SOFTWARE

WHEREAS, the Director of Finance has recommended that the city combine two existing contracts (see Resolutions 2010-88 and 2010-89) with SunGard Public Sector, Inc., one for ASP services and the other for software programs for both the Finance Department and the Human Resources Division, and the cost thereof is included in the annual appropriation ordinance for 2011; and

WHEREAS, this Council deems that prompt action is necessary in order to combine these existing contracts into a single three-year contract in order to realize a substantial savings to the municipal government.

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 enter into a three-year contract with SunGard Public Sector, Inc. of Chico, CA for both ASP services and technical support services for the Finance Department and Human Resources Division software. This contract will combine and replace those previously authorized by this Council in Resolutions 2010-88 and 2010-89.

SECTION 2. The cost of such contract will not exceed the amounts budgeted for this purpose in the Finance Department and Human Resources Division budgets for 2011 through 2014.

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 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: Jon Ansel

Request for Agenda Item Non-Capital

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

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

City Council approved the renewal of one year contracts for SunGard ASP service and the annual SunGard Maintenance agreement in Resolutions 2010-88 and 2010-89, respectively. Through cost-analysis, it has become evident that the City can save money by bundling these services into a single, multi-year contract. The request before Council is to extend the current contract terms into a three-year contract with SunGard; no changes in contract performance are being negotiated.

Under current contracts, both ASP and the annual maintenance agreement increase in price each year by CPI + 2%. In 2010, this was a 0% increase, however the City will experience an approximately 5% increase in each contract in 2011.

With a multi-year contract, the contract will begin July 1, 2011, and end on June 30, 2014. Under the contract terms, the City will experience increase percentages of 0% in year 1, 0% in year 2, and 3% in year 3. These terms are more favorable than the one-year contract previously approved.

	Current Contract Terms			Multi-Year Contract Terms		
	Year 1	Year 2	Year 3	Year 1	Year 2	Year 3
In percent	5%	2%	2%	0%	0%	3%
ASP	80,339	81,946	83,585	77,547	77,547	79,874
Annual Support	40,613	41,425	42,254	38,679	38,679	39,839
Total	120,952	123,371	125,839	116,226	116,226	119,713
Difference				(4,726)	(7,145)	(6,126)

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

There is no need to suspend the rules.

Manager Requesting

Date

Approved for Agenda

Res # 54