

CITY COUNCIL AGENDA
December 20, 2021
7:30p.m.

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

- I. ROLL CALL & ORDERING OF AGENDA**
- II. APPROVAL OF MINUTES**
- III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**
- IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**
Liquor Control – Mariola Italian, LLC
365 E. Liberty St. Unity 100
Wooster, Ohio 44691
- V. COMMITTEE REPORTS; PUBLIC HEARINGS**
Finance Committee
- VI. UNFINISHED BUSINESS –**
 1. Third Reading – ORDINANCE NO. 2021-37
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, 2022, AND ALLOWING FOR IMMEDIATE ENACTMENT (Ansel)
 2. Second Reading – ORDINANCE NO. 2021-41
AN ORDINANCE AMENDING CHAPTER 162, MANAGEMENT BENEFITS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO AND ALLOWING FOR IMMEDIATE ENACTMENT (Sanders)
- VII. EXECUTIVE SESSION – 122.22(G)(1) Personnel**
- VIII. NEW BUSINESS**
 1. First Reading - ORDINANCE 2021-42
AN ORDINANCE AMENDING ORDINANCE NO. 2014-06 BY AUTHORIZING THE MAYOR TO TRANSFER THE COMMUNITY REINVESTMENT AREA AGREEMENT FROM WALNUT NORTH INVESTMENT PROPERTIES LLC TO ATO LLC AND ALLOWING FOR IMMEDIATE ENACTMENT (Ansel)
 2. First Reading – ORDINANCE NO. 2021-43
AN ORDINANCE AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH REPRESENTATIVES OF THE WOOSTER EMPLOYEES ASSOCIATION REGARDING WAGES, BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT (Sanders)
 3. First Reading – RESOLUTION NO. 2021-77
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO EXECUTE AN AGREEMENT WITH THE STATE OF OHIO DEVELOPMENT SERVICES AGENCY FOR THE ADMINISTRATION OF A HOUSING REVOLVING LOAN FUND AND ALLOWING FOR IMMEDIATE ENACTMENT (Ansel)

IX. MISCELLANEOUS

X. ADJOURNMENT

**NOTICE TO LEGISLATIVE
AUTHORITY**

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

TO

5541113 PERMIT NUMBER		NEW TYPE	MARIOLA ITALIAN LLC 365 E LIBERTY ST UNIT 100 WOOSTER OH 44691	
ISSUE DATE				
11 17 2021 FILING DATE				
D5 PERMIT CLASSES				
85 TAX DISTRICT	165	B	D22740 RECEIPT NO.	

FROM 12/07/2021

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



MAILED 12/07/2021

RESPONSES MUST BE POSTMARKED NO LATER THAN. 01/07/2022

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES **B NEW 5541113**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING.

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

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

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

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

ORDINANCE NO. 2021-37

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, 2022, AND ALLOWING FOR IMMEDIATE ENACTMENT

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, 2022, 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 estimating the 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.

SECTION 4. This Ordinance is hereby declared to be necessary to the immediate preservation of the public health, peace, safety and welfare of 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 Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 11-15-21 2nd reading 12-6-21 3rd reading _____

Passed: _____, 2021 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2021 _____
Mayor

Introduced by: Jon Ansel

ORDINANCE NO. 2021-41

AN ORDINANCE AMENDING CHAPTER 162,
MANAGEMENT BENEFITS, OF THE CODIFIED
ORDINANCES OF THE CITY OF WOOSTER, OHIO AND
ALLOWING FOR IMMEDIATE ENACTMENT

WHEREAS, the Director of Administration has recommended that Section 162.03 LEAVES, Section 162.05 HOLIDAYS, Section 162.07, RETIREMENT BENEFITS, and Section 162.09 MANAGEMENT POSITIONS and Section 162.10 PERSONAL DAYS be amended to standardize benefits for all the City employees and conform management employee benefits to those defined by the CBAs, as well as help with recruiting efforts for individuals with required skills for management positions, and retention of current.

WHEREAS, the City of Wooster desires to offer the same employment benefits to all of its employees; and

WHEREAS, similarly situated employees pursuant to their collective bargaining agreements currently or will soon receive benefits superior to those granted in Chapter 162 of the codified ordinances.

WHEREAS, standardization of benefits aids the retention of management employees and bolsters recruitment efforts.

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 162.03 LEAVES; 162.05 HOLIDAYS; Section 162.07 RETIREMENT BENEFITS; Section 162.09 MANAGEMENT POSITIONS; and Section 162.10 PERSONAL DAYS, to read as follows:

162.03 LEAVES.

Management level employees shall be paid their full salary while on sick and vacation leaves. They shall continue to earn sick leave and vacation credit while on sick leave, injury leave, vacation leave and military leave.

(a) Sick Leave. Management employees shall earn 1.25 sick leave days for each month of service. Such sick leave credit shall be recorded in the first pay period of each month. The amount of sick leave which may be accumulated is unlimited. Employees may only use sick leave which has been previously accumulated.

(1) The previously accumulated sick leave of employees who have been separated from the public service other than through retirement may be placed to their credit upon their re-employment in public service if re-employed within ten years. Employees who transfer from one public agency to another shall be credited with the unused balance of their accumulated sick leave upon furnishing a satisfactorily written statement signed by an appropriate official of such other public agencies stating the employees' accumulated balance from such other public agencies.

(2) A. Upon retirement from City service, management employees with at least ten years of service with the City retire, they shall be paid thirty-three percent (33%) of their accumulated sick leave, not to exceed seventy-five (75) days. When management employees with less than ten years of service with the City, but with ten or more years' service with the State, any political subdivision, or a combination thereof retire from active service with the City, the rate shall be reduced to twenty-five percent (25%), not to exceed seventy-five (75) days. Such payment shall be based on the employee's rate of pay at the time of retirement and eliminates all sick leave credit accrued but unused by the employee at the time of the payment. As used in this section, "retirement" is limited to the point at which an employee is then eligible to receive disability or service retirement payments under any State or municipal retirement system in this State.

B. In the case of the death of an employee, the estate of an employee with ten or more years of service to the City shall receive payment for his/her accumulated sick leave based upon the employee's rate of pay at time of death. Maximum payment shall be as prescribed in the preceding subsection, provided that an employee who died before becoming eligible for retirement will be limited to a maximum payment calculated by multiplying the figure from subsection (a)(2) A. hereof by the fraction of the employee's total years of service divided by 30.

C. Management employees with less than 20 years of City of Wooster Service at the time of request may elect to sell back sick time, on an annual basis, according to the schedule below, provided four hundred eighty (480) sick hours remain after the sell back.

D. Management employees with more than 20 years of City of Wooster service at the time of the request may elect to sell back or bank sick time, on an annual basis, according to the schedule below, provided four hundred eighty (480) sick hours remain after the sell back or bank.

1. 0 hours sick leave used – 144 maximum sell back or bank once annually
2. Every hour of sick leave used reduces the eligible hours of sell back by one and one-half (1 ½) hours. (i.e. twenty-four (24) hours of sick leave used reduces the sell back by thirty-six (36) hours from one hundred forty-four (144) to one hundred eight (108).
3. Employees electing to bank the hours will not be eligible for payment or future use of banked hours
4. Payment will be at the employee's regular rate of pay for sell back or when payment of banked hours are paid out
5. Request must be made in writing to the Human Resources Department by March 1st or December 1st in order to receive payment/bank of eligible hours. Sick leave usage from the preceding calendar year (as of 12/31) will be used to determine the number of hours an employee is eligible to sell back or bank.
6. An employee can only make one request per calendar year. Requests submitted by March 1st will be paid the last paycheck in March. Requests submitted by December 1st will be paid the last paycheck in December.
7. Employees eligible to bank hours can elect to have the eligible hours divided between banking and selling back
8. Banked hours are only paid out at the time of retirement from OPERS and/or OP&F and are paid at the hourly rate at time of retirement

9. To be eligible for payout of banked hours the employee must be retiring from OPERS and/or OP&F immediately under regular circumstances; and not to avoid pending discipline or pending investigation into misconduct, attendance or performance issues (in good standing for Police OP&F retirees)

(3) Management employees may use sick leave for absences due to personal illness, and/or examination by an appropriate health care practitioner. Sick leave may also be used for illness of or injury to a member of the employee's family (spouse, children or employee's parents). For use of sick leave for parents of an employee, employees are limited to no more than three days per calendar year.

~~(4) Sick leave incentive. Management level employees who have a minimum of forty days of accumulated sick leave on the first day of the last pay period ending in the preceding year, and who increase that balance by an additional eleven days from the first day of the last pay period ending in December of the current year, shall qualify for sick leave incentive.~~

~~A. Management employees who meet the criteria shall receive an additional two and one half day's pay on their last paycheck in December.~~

~~B. When sick leave incentive payment is made, the Mayor or his/her designee is authorized to deduct two and one half days of sick leave credit from the employee's balance on the last day of the first pay period ending in December.~~

~~C. Sick leave used when attending funerals shall not be counted as used when calculating sick leave incentive.~~

(b) Injury Leave. If management employees are injured while performing their assigned duties or contract illness under such conditions and, as a result of such injury or illness are certified unable to work by a licensed physician, employees shall be compensated according to the following plan: The first one hundred twenty (120) scheduled working hours of disability shall be drawn from accumulated sick leave. The next four hundred eighty (480) consecutive working hours of certified disability caused by the original injury or illness shall be compensated as follows: the employees will be compensated through Wage Continuation, whereby the employer will pay the employee's regular earnings in lieu of Ohio Bureau of Worker's Compensation reimbursement. In the event the employee continues to be certified as disabled and unable to return to work after having exhausted the initial four hundred eighty (480) hours of earnings paid through Wage Continuation, the employer shall pay to the employee the difference between the payment received from the Ohio Bureau of Worker's Compensation and his/her regular earnings for an additional four hundred forty (440) scheduled working hours.

(c) Family Medical Leave Act (FMLA). The City of Wooster is and will remain in compliance with respect to the FMLA regulations and requirements.

(d) Bereavement Leave. In the event of the death of an immediate family member, employees will be permitted to take up to five (5) days with full pay for purposes of dealing with matters related to death and grieving. Such leave will not be granted to employees attending a funeral during periods when, for other reasons, they are not at work, such as during vacation, holidays or illness.

(e) Personal Leave. A management level employee may request an unpaid or personal leave of absence for a period not to exceed thirty-one (31) calendar days. Request for renewal may be made only once. Award or denial of a personal leave shall be made by the Mayor and/or Director of Administration. All decisions shall be final. During any such period

of personal leave employees will continue to be covered by the City's existing health care plan.

(f) **Non-FMLA Medical Leave.** Management employees who have exhausted both their FMLA eligibility and their accrued sick leave balance and require additional time off because of illness, may request a medical leave of absence.

(1) A medical leave is taken without pay.

(2) The employee does not earn vacation or sick leave credit while on an unpaid medical leave. The Mayor and/or Director of Administration shall continue health insurance coverage for such employee.

(3) The maximum length of time an employee may request for a non-FMLA medical leave is ninety (90) calendar days. A renewal may be awarded only once.

(g) **Vacation Leave.**

(1) Effective June 1, 2018 and forward, the Mayor or designee shall permit prior service with any other governmental agencies for any new management employee who is hired from such agency for purposes of computing the amount of the employee's vacation leave. A written statement signed by an appropriate official of such other governmental agency stating the employee's service time shall be provided.

(2) Management employees ~~hired or promoted prior to June 1, 2004~~ shall receive vacation based on the following schedule:

<u>Years of Service</u>		<u>Vacation Days Accrued</u>
<u>At Least</u>	<u>But Less Than</u>	<u>Per Month of Service</u>
0	3	0.834 (annually, 10 days)
3	6	1.250 (annually, 15 days)
6	10	1.670 (annually, 20 days)
10		2.084 (annually, 25 days)

~~Upon the adoption of this section, current management employees shall convert from the previous method of annual vacation accrual to the monthly accrual thereof effective upon the first day of the month following their anniversary date.~~

(3) ~~Management employees hired or promoted on or after June 1, 2004, shall accrue vacation based on the following schedule:~~

<u>Years of Service</u>		<u>Vacation Days Accrued</u>
<u>At Least</u>	<u>But Less Than</u>	<u>Per Month of Service</u>
0	8	1.250 (annually, 15 days)
8	15	1.670 (annually, 20 days)
15		2.084 (annually, 25 days)

~~Notwithstanding the provisions of the vacation accrual schedule in this subsection, hourly employees who are employees of the City as of the date of adoption of this section, and who are promoted on or after June 1, 2004 to a management position, and whose annual vacation accrual as a management employee would be less than the accrual to which they were entitled prior to promotion, and irrespective of whether calculated at the time of promotion or over the course of service, shall accrue vacation at the rate in subsection (g)(2) above.~~

(4) Management employees may not accrue vacation leave in excess of the accrual from three years of employment, as calculated in accordance with Section 162.03(g)(2) or (3), above. Any accumulated vacation exceeding that amount shall be forfeited unless the Mayor, in his/her sole discretion, has granted a waiver to the employee, in which case the employee, solely for the purpose of using such excess vacation leave, may exceed the maximum accrual for the period of the waiver, which shall not exceed six months.

(5) Time spent in military service is to be counted as service with the City when determining vacation leave, provided the employee in question was a City employee for at least 120 calendar days before entering military service.

(6) Upon separation from municipal service, employees are entitled to compensation for any unused vacation leave to their credit upon date of separation, but not in excess of the accrual from his/her last three years of employment preceding separation from employment. This payment shall be in addition to any severance pay which may be due.

(7) In case of the death of an employee, the unused accumulated vacation leave shall be paid to the deceased employee's estate.

(8) Vacation Cash-Out Option. Subject to the approval of the Director of Administration, employees will be permitted to "cash out" unused vacation time of up to one-half of their annual accrual once during any calendar year (January through December), provided that the employee must maintain a minimum balance of ten (10) vacation days. The "cash out" rate will be one-hundred percent (100%) of the employee's daily base rate.

(h) Court Leave. Employees subpoenaed to represent the City to appear before any court or called for jury duty shall be paid their regular wage. Any compensation received from the court for jury duty or court appearance shall be submitted to the City.

162.05 HOLIDAYS.

The following days shall be recognized as paid holidays:

New Year's Day	Labor Day
Martin Luther King Day	Veteran's Day
President's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Juneteenth	Christmas Eve
Independence Day	Christmas Day

(Ord. 2014-05. Passed 3-17-14.)

162.07 RETIREMENT RETENTION BENEFITS.

~~—(a) Commencing January 1, 2006, when an employee has completed twenty-seven years of service, s/he will be eligible for a stipend of up to six thousand dollars (\$6,000) payable at the employee's option over a period not to exceed three years. The stipend payment(s) shall be made on the employee's anniversary date, and in no event will any payment be made after the~~

~~thirty six year anniversary date, unless said employee's original date of hire was on or before January 1, 1972.~~

~~(b) It will be the sole responsibility of the employee to notify the Human Resources Division as to when and in what manner the payments are to be made.~~

(a) Members shall receive annual retention pay based upon completed City of Wooster years of service according to the following table:

After five (5) years of continuous service \$250
After ten (10) years of continuous service \$500
After fifteen (15) years of continuous service \$1,000
After twenty (20) years of continuous service \$1,500
After twenty-five (25) years of continuous service \$2,000

(b) Retention pay shall be paid in a lump sum payment the last paycheck of each calendar year.

(c) Retention pay shall be based upon continuous years of full-time service with the City of Wooster as of the last day of the last payroll period of each year.

(d) Employees must be actively employed during the last payroll period of the year to be eligible for the Retention pay for that year.

162.09 MANAGEMENT POSITIONS.

(a) In accordance with Article V, Section 5.03 of the Charter of the City of Wooster, and Section 162.01 above, the following management positions are hereby identified and authorized:

POSITION	STATUS
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 Administration	Unclassified
Deputy Director of Finance	Unclassified
Director of Administration	Unclassified
Director of Finance	Unclassified
Director of Law	Unclassified

Development Coordinator	Unclassified
Engineering Manager	Unclassified
Finance Manager	Unclassified
Fire Chief	Classified
Human Resources Manager	Unclassified
Human Resources Specialist	Unclassified
Human Resources Coordinator	Unclassified
Information Systems Manager	Unclassified
Planning and Zoning Manager	Unclassified
Police Captain	Classified
Police Chief	Classified
Project Manager	Unclassified
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
Recreation Supervisor	Unclassified
Safety Administrative Supervisor	Classified
Staff Engineer	Unclassified
Utilities Manager	Unclassified
Utilities Assistant Manager	Unclassified
Utilities Supervisor	Classified

162.10 PERSONAL DAYS

- (a) Commencing January 1, 2022, and on the first day of each year thereafter, management employees shall accrue one day of personal time each calendar year.
- (b) Personal time shall be used for any purpose to which the employee chooses.
- (c) Personal time must be used, in its entirety, within the calendar year in which it was accrued.

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 the law.

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

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

1st reading 12-6-21 2nd reading _____ 3rd reading _____

Passed: _____, 2021 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2021
Mayor

Introduced by: Craig Sanders

ORDINANCE NO. 2021-42

AN ORDINANCE AMENDING ORDINANCE NO. 2014-06 BY
AUTHORIZING THE MAYOR TO TRANSFER THE
COMMUNITY REINVESTMENT AREA AGREEMENT FROM
WALNUT NORTH INVESTMENT PROPERTIES LLC TO ATO
LLC AND ALLOWING FOR IMMEDIATE ENACTMENT.

WHEREAS, this City Council, in Ordinance No. 2014-06, authorized the Mayor to enter into an agreement with C&C Wellert Properties LLC for Community Reinvestment Area Tax Incentives, including a capital investment of up to \$82,750.00 for the renovation of an existing multi-use facility at 149 N. Walnut Street Street, Wooster, Ohio in order to rehabilitated commercial space and secure the building facade with the commitment of retaining at least two full-time jobs, with an exemption of real estate taxes for a period of ten (10) years; and

WHEREAS, C&C Wellert Properties LLC, previously obtained approval of this Council to transfer its Community Reinvestment Area (CRA) Agreement, with all of its rights and responsibilities, to Walnut North Investment Properties LLC and

WHEREAS, Walnut North Investment Properties LLC now seeks to obtain the approval of this Council to transfer its Community Reinvestment Area (CRA) Agreement, with all of its rights and responsibilities, to ATO LLC, its tenant at the site which has created four jobs at the site and

WHEREAS, All other aspects of the agreement have otherwise been met, with substantial investment having been made in rehabilitating 149 N. Walnut Street, Wooster, Ohio, as originally committed.

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

SECTION 1. That Ordinance No. 2014-46 is amended to provide that the Mayor, on behalf of the City of Wooster, is authorized to enter into an *amended* agreement with Walnut North Investment Properties LLC and ATO 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 (ATO LLC) will assume the CRA agreement as it was originally executed and as it presently exists; that the terms will remain unchanged except as to the following: (1) the identity of ATO LLC as the Enterprise; and (2) increase of job and payroll commitments as the Mayor, in his/her discretion, deems appropriate; (3) and that the ATO LLC will be required to meet all of the Enterprise's obligations thereunder.

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 the law.

SECTION 3. This Ordinance is hereby declared to be 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 the maintenance of an economic development incentive project through authorizing the transfer of an agreement to a new property owner, ATO LLC; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Passed: _____, 2021

Vote: _____

Attest: _____

Clerk of Council

President of Council

Approved: _____, 2021

Mayor

Introduced by: Jon Ansel



Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Development	Meeting Date Requested December 20, 2021
Project Name CRA 14-001 Transfer Request	Estimated Total Funds/Costs \$0.00
Is Full Amount Budgeted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded? N/A - This legislation seeks to maintain an existing agreement for an ongoing tax exemption.	
Description of Request Walnut North Investment Properties LLC (member Keith Hartzler, a local investor) wishes to transfer its CRA agreement for 149 N. Walnut Street to ATO LLC, a tech-based marketing firm tenant at the building having created four jobs at the site and now wishing to purchase the structure. The City of Wooster previously granted C&C Wellert Properties LLC a 100%, 10-Year real estate tax exemption in 2014 on its rehabilitation of 149 N. Walnut Street, Wooster, Ohio, a downtown mixed-use building with two first-floor commercial spaces and three apartments on the upper floor (Parcel 64-01693.000). The agreement was transferred to Walnut North Investment Properties LLC (member Keith Hartzler, a local investor) in 2020. A transfer, if approved, would not result in any change of the original abatement levels (100%) nor its term (10 years, to expire upon 12/31/2024, subject to the building owner upholding the project commitments). Also, the two-job commitment would be amended from "retained" to "created" to reflect the four current jobs ATO LLC has created in Downtown, plus conditions and a provision would be added for payroll. Approximately three years of tax exemption remain on the agreement.	
Justification / Benefits C&C Wellert Properties LLC conducted a major building rehabilitation as committed, which was maintained by the Current owner. Allowing a transfer of the CRA would allow the current owner to sell the property to ATO LLC, which has invested to bring new jobs to Downtown Wooster, and will benefit from from the last three years of savings. The transfer will secure ATO LLC in Downtown.	
Will this Project affect the City's Operating Costs No impact anticipated.	
What Alternatives Exist and what are the Implications of the Alternatives Without a transfer, the project may not proceed, leaving ATO LLC without a permanent home in Downtown. Without a sale, there would be no change.	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances: N/A	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons An expedited decision allows parties to better plan and determine sale terms.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Jonathan Millea	Date: 3 December 2021

Approved for Agenda Yes No

CRA TRANSFER REQUEST SUMMARY



Prepared by the City of Wooster Department of Community Service and Development at the Request of:
Walnut North Investment Properties LLC and ATO LLC
 149 N. Walnut Street., Wooster, Oh 44691
 Application Date: 2 December 2021

Project Summary: Walnut North Investment Properties LLC, proprietor Keith Hartzler, has requested that the City of Wooster approve a transfer of its CRA (Community Reinvestment Area) Agreement 14-001 to ATO LLC, a tech-based marketing firm which is a current tenant at the building with four employees. With the transfer, ATO LLC would acquire the space it currently rents, and managing the building's remaining commercial and residential spaces. The site, **149 N. Walnut Street** in downtown Wooster, Ohio (Parcel 64-01693.000) contains three residential apartments on the upper floor (all rented, one under a CHIP agreement with rent control through 6/23/2022), and two commercial spaces on the first floor, the second of which is leased to A Time to Craft LLC, an art studio.

The agreement, originally made with C & C Wellert Properties LLC before being transferred to the current owner, provides a **10-year, 100 percent** property tax exemption on the 2014-2015 rehabilitation of the first floor commercial space and exterior. (Five years remain). The project also received a \$106,662 matching grant from the City procured through the Ohio Development Services Agency's Community Development Block Grant program. The project increased the value of the building by \$257,747.75, bringing the total valuation for Tax Year 2019-Pay-2020 to \$402,860. The project originally committed 2.5 full-time equivalent jobs at the site.

Project Site Map

149 N. Walnut St., Wooster, Oh.



Above: 149 N. Walnut Street, highlighted as Parcel 64-01693.000, part of the NW block of Public Square.
 Below: West face of the building (11/2021 image).



CRA 14-001 Real Estate Tax Impacts

TAX YEAR	PAID	FORGONE
15 Pay 16	\$3,515	\$2,974
16 Pay 17	\$3,574	\$3,023
17 Pay 18	\$3,816	\$6,685
18 Pay 19	\$3,826	\$6,703
19 Pay 20	\$3,845	\$6,736
20 Pay 21	\$3,617	\$6,232
21 Pay 22	\$3,617	\$6,232
To-Date:	\$25,810	\$38,586
22 Pay 23	\$3,617	\$6,232
23 Pay 24	\$3,617	\$6,232
24 Pay 25	\$3,617	\$6,232
Remaining:	\$10,852	\$18,697
Grand Total	\$36,662	\$57,283

Past/Current tax year figures from Wayne County Auditor.

The ability to transfer agreements from one entity to another is allowed only with the permission of Wooster City Council. An estimated **\$18,697** in tax exemption value remains on the agreement, approximating \$6,232 per year through the end of 2024. All parties have acted in good faith, with the rehabilitation project performed as promised, the current owner maintaining and investing in the structure, and the new owner already a tenant and contributing to downtown's business marketplace. Based on these factors, this office recommends approval of the proposed transfer to enable a property sale. **All other terms will remain the same, with exception to annual payroll commitments to be adjusted to reflect Ohio minimum wage requirements for four full-time equivalent created jobs.**

Attachments: Letter from Mr. Keith Hartzler, Member, Walnut North Investment Properties LLC, requesting a transfer and an application from ATO LLC, Mr. Andrew Taylor, Member.

Note: Notification to local school districts and a recommendation by the Wooster Growth Corporation are required before an application for a Community Reinvestment Area (CRA) abatement may be considered by the Wooster City Council. Community Reinvestment Area #169-86548-01 is governed by Ohio Revised Code Sections 3735.65 through 3735.70, as administered by the Ohio Development Services Agency, and City of Wooster Ordinances No. 2004-33. For questions on this application or the City of Wooster's CRA in general, please contact the City of Wooster Development Coordinator at 330.263.5250.

CRA Application – ATO LLC
149 N. Walnut St., Wooster, Ohio 44691
Address: 149 N. Walnut St., Wooster, Ohio 44691
Authorized Representative: Mr. Andy Taylor

Developer Coordinator’s Note: *This application seeks an assignment of Agreement Wooster CRA #1 14-001 for improvements made at 149 N. Walnut Street, Wooster, Ohio 44691. The current owner, Walnut North Investment Properties LLC, intends to sell the property to Purple Martin Pictures Ltd., which is affiliated with a current tenant, ATO Content, which has been responsible for this project’s employment. Except where information concerns the Applicant, the prospective Buyer, the Original scope information is shown as per the original agreement. The project scope was completed to the proposal and within the timeframe stipulated.*

PROPOSED AGREEMENT for Community Reinvestment Area Tax Incentives between the City of Wooster located in the County of Wayne and ATO, 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>ATO, LLC</u>	<u>Mr. Andy Taylor</u>
Enterprise Name	Contact Person
<u>149 N. Walnut Street</u>	<u>310.739.4745</u>
<u>Wooster, Ohio 44691</u>	Telephone Number
Address	
	<u>Andy@atocontent.com</u>
	Contact Email

- b. Project site:

<u>149 N. Walnut St. Bldg.</u>	<u>Mr. Andy Taylor</u>
Location Name	Contact Person
<u>149 N. Walnut Street</u>	<u>310.739.4745 / 330.804.0141</u>
<u>Wooster, Ohio 44691</u>	Telephone Number
Address	
	<u>Andy@atocontent.com</u>
	Contact Email

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

Downtown Mixed Use: Media Production, Retail Store, Residential Apartments
Original: Downtown Mixed Use: crafting studio, Retail Store, Residential Apartments.

- b. List primary 6 digit North American Industry Classification System (NAICS) # 512110

CRA Application – ATO LLC
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Authorized Representative: Mr. Andy Taylor

Business may list other relevant SIC numbers. Subject to Change over project period as tenants may change: 531311 (Residential Property Management), 452990 (Variety Store), 541810 (Advertising Agency).

c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred: This is a request for a transfer of an existing CRA for the remaining three years of abatement for the new firm affiliated with ATO Content, an advertising agency employing four people which is a tenant at the building, at the to continue the maintenance and upkeep of the building. In addition to ATO Content, the building currently hosts A Time To Craft, an entrepreneurial arts and events venture. This follows a previous amendment request to transfer the CRA agreement C & C Wellert Properties to Walnut North Investment Properties LLC. Original response: N/A – Applicant is a property holding company. Applicant operates a Video Production Studio at project site, and leases three residential apartments and a retail store that is managed by another firm. Companies at the project site include: C&C Wellert Properties LLC, C&C Video Productions LLC, and a retail tenant.

d. Form of business of enterprise (corporation, partnership, proprietorship, or other).

LLC

3. Name of principal owner(s) or officers of the business.

Mr. Andy Taylor

4. a. State the enterprise's current employment level at the proposed project site:

Four Full-Time Jobs

b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Yes ___ No X .

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:

This project seeks to retain the existing tenants. Note: Landlord must notify City prior to hosting any additional tenants when there is a relocation of employment from within the State of Ohio.

CRA Application – ATO LLC
149 N. Walnut St., Wooster, Ohio 44691
Address: 149 N. Walnut St., Wooster, Ohio 44691
Authorized Representative: Mr. Andy Taylor

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

N/A

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

N/A

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

N/A

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

- 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: Seeking assignment of existing CRA only. Transfer will enable a new owner to maintain for previous investment and job creation commitments. Previous amendment request: Seeking assignment of existing CRA only. Transfer will enable a new owner to maintain for previous investment and job creation commitments. Original scope: This project will retain two existing businesses and also maintain three residential apartments in Wooster's downtown area. The project will work to bring an existing multi-use structure up to code compliance while greatly enhancing aesthetics of the exterior. The project is occurring in a sensitive Downtown location, positioned between the Wooster School District Board of Education building, near the County Justice Center, and north of the recently-constructed Merchants Block. Project elements will include an upgrading of the façade, replacement of noncompliant windows, and either the replacement or repair of the building's roof. Also, the building's chimney would also be removed as part of the project.

CRA Application – ATO LLC
149 N. Walnut St., Wooster, Ohio 44691
Address: 149 N. Walnut St., Wooster, Ohio 44691
Authorized Representative: Mr. Andy Taylor

7. Project will begin on or about February 5, 2014, and be completed December 31, 2014 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):

New company will ensure retention of at least four (current number) full-time equivalent jobs at the site at a payroll not to fall below \$40,000. New company will obtain approval from the City of Wooster and the Ohio Development Services Agency prior to allowing any tenant to relocation from an existing Ohio job site to 149 N. Walnut Street during the exemption period, as doing so without advanced approval may result in the termination of the exemption. Previous amendment statement from Walnut North Investment Properties LLC: *New company will ensure the retention of at least 2.5 full-time equivalent jobs on site at a payroll not to fall below \$40,000 or annual full-time Ohio minimum wages, whichever is higher. New company will seek advance permission from City of Wooster and Ohio Development Services Agency prior to allowing any tenant to relocate an existing Ohio job to the site from another location. Previous scope included: C&C Wellert Properties LLC will maintain space to retain at least two full-time equivalent positions at the project site: (1) One and one half FTE at C&C Video Production LLC, (2) at least one FTE at the retail section of the building.*

b. State the time frame of this projected hiring: 2 (retained) yrs.

c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees): N/A

9. a. Estimate the amount of annual payroll such new employees will add N/A – Existing employment will be maintained. (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: \$ 40,000 Original: \$40,000 or Ohio minimum wage rates for 2.5 full-time equivalent jobs, whichever is higher.

CRA Application – ATO LLC
149 N. Walnut St., Wooster, Ohio 44691
Address: 149 N. Walnut St., Wooster, Ohio 44691
Authorized Representative: Mr. Andy Taylor

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

A. Acquisition of Buildings:	\$ _____
B. Additions/New Construction:	\$ _____
C. Improvements to existing buildings:	\$ <u>87,725.00</u>
D. Machinery & Equipment:	\$ _____
E. Furniture & Fixtures:	\$ _____
F. Inventory:	\$ _____
Total New Project Investment:	\$ <u>82,725.00</u>

11. a. Business requests the following tax exemption incentives: 100% for ten (10) years covering \$82,725.00 of real property as described above. Be specific as to the rate, and term.

b. Business's reasons for requesting tax incentives:

This is a request for a transfer of an existing CRA for the remaining three years of abatement for the new firm to continue the maintenance and upkeep of the building. The building currently hosts two tenants, including ATO LLC and A Time to Craft, both of which having employees who live, work, shop, and eat in downtown every day. The savings this assistance would provide would help ensure that the companies could continue to thrive and potentially grow. Walnut North Investment Properties LLC from 3/21/2020: This is a request for a transfer of an existing CRA for the remaining five years of abatement for the new firm to continue the maintenance and upkeep of the building. The building currently hosts two retail tenants, including A Time to Craft and Wooster Tactical. Original application objective: Money saved on taxes will be used to reinvest in the facility and to make future needed improvements for the facility. Funding will also help to retain and add additional employees by having cash flow available during this time of improvements. Please see attached Company Statement.

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.

CRA Application – Company Name
Project Name
Address: 149 N. Walnut St., Wooster, Ohio 44691
Authorized Representative: Representative Name

Any agreement will require compliance with all City ordinances and policies, including zoning and design review specifications.

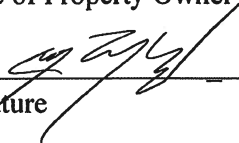
The Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C) (1) and 2921.13(D) (1) penalties for falsification which could result in the forfeiture of all current and future economic development 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.

Andy Taylor

Name of Property Owner

12/1/21

Date


Signature

Andy Taylor/Owner

Typed Name and Title

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

** Attach to Final 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.

Walnut North Investment Properties, LLC
149 N Walnut Street
Wooster, OH 44691
330-749-1584

Dear City of Wooster,

Walnut North Investment Properties, LLC of Ohio has an CRA agreement with the City of Wooster for improvement to it's building at 149 N Walnut Street Wooster, Ohio. I respectfully request that the City of Wooster modify it's current agreement to allow a new prospective owner (Andy Taylor and his LLC) to receive the same benefits, as this benefit has been part of the negotiation to sell to sell this property.

Thank you for your consideration and assistance.

Sincerely,

 Nov. 30, 2021

Keith A. Hartzler

Walnut North Investment Properties, LLC
Owner



CRA
#169-86548-01

CRA #: 169-86548-01

Walnut North Investment Properties LLC

149 N. Walnut Street, Wooster, Ohio 44691

Parcel(s): 64-01693.000

Agreement 14-001

Execution: 10/29/2013, Amended 4/28/2020

Expiration: 12/31/2025

Incentive: 10-Year, 100 Percent Real / Personal Property

School District: Wooster City School District

Status
Missed
Targets



Nov. 17, 2021

Commitment:	As of 12/2007	As of 12/2008	As of 12/2009	As of 12/2010	As of 12/2011	As of 12/2012	As of 12/2013	As of 12/2014	As of 12/2015	As of 12/2016	As of 12/2017	As of 12/2018	As of 12/2019	As of 12/2020
Property:	\$82,750	-	-	-	-	-	-	\$224,324	\$224,324	\$224,324	\$224,324	\$224,324	\$224,324	\$224,324
Exemption:	\$82,750	-	-	-	-	-	-	\$224,324	\$224,324	\$224,324	\$224,324	\$224,324	\$224,324	\$224,324
Personal:	\$0	-	-	-	-	-	-	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Jobs:	2	-	-	-	-	-	-	3	2	2	3	5	4	1
Total Payroll:	\$40,000	-	-	-	-	-	-	\$42,400	\$40,000	\$40,943	\$71,848	\$105,000	\$65,000	\$0
New Jobs:	0	-	-	-	-	-	-	1	0	0	1	3	4	0
New Payroll:	\$0	-	-	-	-	-	-	\$2,400	\$0	\$943	\$16,848	\$65,000	\$65,000	\$0
Saved Jobs:	2	-	-	-	-	-	-	2	2	2	2	2	0	1
Saved Payroll:	\$40,000	-	-	-	-	-	-	\$40,000	\$40,000	\$40,000	\$55,000	\$40,000	\$0	\$0

Incentive Impacts:	2008 Pay 2009	2009 Pay 2010	2010 Pay 2011	2011 Pay 2012	2012 Pay 2013	2013 Pay 2014	2014 Pay 2015	2015 Pay 2016	2016 Pay 2017	2017 Pay 2018	2018 Pay 2019	2019 Pay 2020	2020 Pay 2021 (Est*)	Project Totals
Real Taxes Paid	-	-	-	-	-	\$3,998	\$3,708	\$3,515	\$3,574	\$3,816	\$3,826	\$3,845	\$3,617	\$29,899
Real Taxes Foregone	-	-	-	-	-	-	-	\$2,974	\$3,023	\$6,685	\$6,703	\$6,736	\$6,232	\$32,353
Personal Taxes Paid	-	-	-	-	-	-	-	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Personal Taxes Foregone	-	-	-	-	-	-	-	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Previous Compliance

The Tax Incentive Review Council last reviewed this CRA agreement on November 16, 2020, when it recommended the continuation of the agreement, which was approved by Wooster City Council.

Summary

This CRA project successfully helped to secure three apartment units and improved ground-floor retail space. In May of 2020, C&C Wellert Properties sold the building to a new investor, Walnut Street Investment Properties LLC, which continues to manage the site. This project helped to cover the costs of a major exterior building renovation as well as securing deteriorated building walls, with support in part through a CDBG grant. The project also won a Main Street Wooster award. Ohio law requires a minimum of two full-time jobs at a site exempted through CRA, which was substantially accomplished in 2020. The project supported Liberty Tactical Equipment (a uniform store) with 2.5 full-time employees through November of 2020, when the firm departed for another location in town. (Employment figures are counted as paid positions existing on December 31, 2020, so employment is reported as 1.) A Time to Craft beverage and paint studio remained, which is an entrepreneurial venture. Walnut Street Investment Properties LLC has since secured a new start-up tenant (no relocation), which anticipates occupying the space shortly. Staff recommends continuance as 2020 goals have been *substantially met*.

Request for Agenda Item

2321-76

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Administration	Meeting Date Requested 12-20-21
Project Name WEA Collective Bargaining Agreement	Estimated Total Funds/Costs \$415,000 to \$475,000
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED N/A	
If No, How is the Purchase to be Funded? 	
Description This is a request to authorize the Director of Administration to enter into a collective bargaining agreement (CBA) with the City's labor & trades union (Wooster Employees Association-WEA). The proposed contract is the result of two months of meetings between the City Admin staff, division managers, and WEA representatives for all non-safety forces hourly staff. This is also an effort to provide attractive benefits in order to retain current staff and attract new staff. Wages and benefits were adjusted to be more competitive with comparable cities and current SERB contracts. The City has experienced several retirements over the last two years, and has had significant difficulty filling vacant positions. We averaged more than 10 open positions in WEA all year in 2021. These changes have been proposed and approved by the WEA union for incorporation into their collective bargaining agreement upon Council approval. Similar provisions were approved for OPBA, and were proposed and being considered for approval by the Fire union. Please see the attached summary for a description of the changes to the WEA contract.	
Justification / Benefits These changes will help with recruiting efforts for individuals with required skills for management positions, and retention of current employees. These changes will also help standardize benefits for all the City employees and are the same as those defined by other CBAs.	
Will this Project affect the City's Operating Costs These changes will result in approximately \$34,750 for the Retention Pay. The Sick Leave Incentive will depend on the number of those eligible and that choose to take it. The value of the Holiday and Vacation days is approximately \$35,500. Adjustments to salaries is approximately \$342,000.	
What Alternatives Exist and what are the Implications of the Alternatives Leave the ordinance the same, which will <u>not</u> conform benefits for other City staff and CBA's. Reduced benefits and non-conforming salaries will limit our ability to attract outside candidates, and increase the possibility of losing employees to other entities.	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Note Reasons Immediate passage is not needed, but approving now would allow these provisions to be incorporated into HR processes and plan for implementation by the first of the year.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Joel Montgomery	Date: 12-20-21
Approved for Agenda <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

#2

City of Wooster Last, Best and Final to WEA – 12/07/2021

Article 13 – Drug Testing

Section 1 - Define drug testing for accident as:

- Motor vehicle accident employee is driving
- Property damage above \$1,000 in value
- Injury in the line of duty
- Section 3 – remove federally certified medical laboratory and replace with medical laboratory and clarify testing as drug and alcohol
- Section 6 – clarify testing is also alcohol which is breath testing

Article 14 – Compensation

- Change Classifications from ranges to steps 1/2/2022
 - Retitle some positions and consolidate classifications from 16 to 10
 - Establish wage progression over 15 years, i.e. entry step, step 2 at 1 year, step 3 at 5 years, step 4 at 10 years, and step 5 at 15 years.
 - New hires steps remain commensurate with experience (max Step 2 – 5 yrs)
- 2023 – 2.5%
- 2024 – 2.5%

Article 15 – Retirement Incentive (delete contents of article) and replace with new title “Retention Pay”

- Members shall receive annual retention pay based upon completed City of Wooster years of service according to the following table:
 - After five (5) years of continuous service \$250
 - After ten (10) years of continuous service \$500
 - After fifteen (15) years of continuous service \$1,000
 - After twenty (20) years of continuous service \$1,500
 - After twenty-five (25) years of continuous service \$2,000
- Retention pay shall be paid in a lump sum payment the last paycheck of each year.
- Retention pay shall be based upon continuous years of full-time service with the City of Wooster as of the last day of the last payroll period of each year.
- Employees must be actively employed during the last payroll period of the year to be eligible for the Retention pay for that year.

Article 17 – Overtime, Comp Time and Call-in

On-call pay for Divisions that implement because of operational need, encourage staff to volunteer for on-call duty, and alleviate the issue of only a few staff responding to the majority of call-in situations.

- \$15/day on call based upon department on-call policy
- Must respond 30 minutes
- On-call pay is not paid for a day you are called in, some exceptions apply (see policy)
- Discipline if on-call and don't respond and/or cover operational need
- Increase comp time Section 6 – 60 hours to 80 hours

Article 21 – Holidays

- Add Juneteenth holiday to the schedule in Section 1
- Change – if employed on 1/1 of each year receive your personal day for that year
- An employee who works more than one (1) shift on a holiday listed in the contract shall receive two and one half (2 ½) times their regular hourly rate for all hours worked in excess of one (1) shift on the holiday (8 or 10 hours based upon the current schedule).

Article 20 – Vacation

- Move all employees back to Grandfathered schedule prior to 12/31/2004
- Add language that seasonal/part-time employees hired full-time with no break in service – accept service time as seasonal/part-time with City for vacation accrual (this will not be back dated)

Article 25- Sick Leave

- Added Aunts and Uncles to bereavement leave to conform to other CBA's.

Article 26 – Sick Leave Incentive

- Remove current language (Section 1- 3; keep section 4)
- All members of the bargaining union may elect to sell back or bank unused sick leave, on an annual basis, according to the schedule below, provided four hundred eighty (480) hours remain after the sell back.
- 0 hours sick leave used – 144 maximum sell back
- Every hour of sick leave used reduces the eligible hours of sell back by one and one-half (1 ½)hours. (i.e. twenty-four (24) hours of sick leave used reduces the sell back by thirty-six (36) hours from one hundred forty-four (144) to one hundred eight (108).
- Employees electing to bank the hours will not be eligible for payment or future use of banked hours
- Payment will be at the employee's regular rate of pay.
- Request must be made in writing to the Director of Administration prior to December 1st in order to receive payment for any hours. Sick leave usage from the preceding calendar year will be used to determine the number of hours an employee is eligible to sell back.
- Employees electing to bank hours must have a minimum of 20 years of service.
- Benefit accrual date will be used to determine year of service for eligibility to bank hours
- Banked hours are no longer available for use.
- Banked hours are only paid out at the time of retirement and are paid at the hourly rate at time of retirement.
- An employee who is required per health department or CDC guidelines to quarantine or remain off work due to an exposure to an illness and has to use sick leave, but is not sick or become sick will not have that sick time count against their sick leave incentive as used sick leave.

Article 25 – Insurance

Revised health insurance to incorporate the BORMA wellness incentive and an opt-out option for declining City health insurance coverage:

- Update language to comply with requirements of BORMA
- BORMA Preventative Wellness process with replace the KYRKYN as it related to premiums and any incentives offered by BORMA
- Opt-out of medical insurance payment \$1,500 annual last pay December with proof of other coverage
- 1/1/2023 - Flexible Spending and Dependent Care Reimbursement option based upon IRS limits, employee makes all contributions

Article 32 – Certification / Degree Stipend Program

- Plant Operators in Water and WasteWater are not eligible for certification stipend due to change in pay structure (license based)
- IT no longer eligible based upon new wage structure

RESOLUTION NO. 2021-77

A RESOLUTION AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO EXECUTE AN AGREEMENT
WITH THE STATE OF OHIO DEVELOPMENT SERVICES
AGENCY FOR THE ADMINISTRATION OF A HOUSING
REVOLVING LOAN FUND AND ALLOWING FOR
IMMEDIATE ENACTMENT

WHEREAS, the State of Ohio Development Services Agency (“ODSA”), through its Office of Community Development (“OCD”), has determined that the City of Wooster is an eligible recipient of the Community Development Block Grant Program (CDBG) and the HOME Investment Partnerships (“HOME”) Program; and

WHEREAS, the City of Wooster has been awarded CDBG and/or HOME funds from the ODSA through its Office of Community Development (“OCD”) to utilize in financing eligible activities that may generate program income; and

WHEREAS, the ODSA has recognized the positive impact on community development initiatives when the use of program income is locally determined; and

WHEREAS, the ODSA has permitted the establishment of Housing Revolving Loan Funds within local political subdivisions to meet the primary development goals of 1) improving the affordable housing stock and 2) providing for the affordable housing needs of low-and moderate-income persons in designated areas served by the Housing Revolving Loan Fund; and

WHEREAS, the City of Wooster agrees to administer and implement the Housing Revolving Loan Funds according to OCD Housing Policies and Procedures Manual; and

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

SECTION 1. The Director of Administration is hereby authorized to enter into an agreement with the ODSA for the administration of a housing revolving loan fund. Such fund will be maintained as a separate fund set aside by the municipality for the purposes described above, and proceeds from loans made from the fund will, in turn, be utilized to fund other such activities. Furthermore, s/he is authorized to expend monies in accordance with the agreement and to execute any necessary documents in connection therewith.

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 the law.

SECTION 3. This Resolution is hereby declared to be 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 provide continuity of services to the community under this program; 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 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: _____, 2021 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2021
Mayor

Introduced by: Jon Ansel