

CITY COUNCIL AGENDA

December 18, 2023

7:30 p.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

Memo from the Mayor for a board reappointment

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

V. COMMITTEE REPORTS; PUBLIC HEARINGS

VI. UNFINISHED BUSINESS

1. Third Reading - ORDINANCE 2023-28 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, 2024, AND ALLOWING FOR IMMEDIATE ENACTMENT (Sanders)

VII. NEW BUSINESS

1. First Reading – RESOLUTION 2023-83 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO CONTRACTS WITH THE LOWEST AND BEST BIDDERS FOR THE DEMOLITION AND ASBESTOS ABATEMENT OF A CITY-OWNED DUPLEX ON E. HENRY STREET, AND ALLOWING FOR IMMEDIATE ENACTMENT (Knapic)
2. First Reading - RESOLUTION 2023-84 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO CONTRACTS WITH THE LOWEST AND BEST BIDDERS FOR THE DEMOLITION AND ASBESTOS ABATEMENT OF TWO CITY-OWNED HOUSES ON NORTH STREET, AND ALLOWING FOR IMMEDIATE ENACTMENT (Knapic)
3. First Reading - RESOLUTION 2023-85 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO CONTRACTS WITH THE LOWEST AND BEST BIDDER FOR THE PHASE ONE CITY HALL WINDOW REPLACEMENT PROJECT (Knapic)
4. First Reading - RESOLUTION 2023-86 A RESOLUTION IMPOSING A MORATORIUM ON THE GRANTING OR PROCESSING OF PERMITS FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE CULTIVATION, PROCESSING, OR RETAIL SALE OF MARIJUANA WITHIN THE CITY OF WOOSTER, AND ALLOWING FOR IMMEDIATE ENACTMENT (Reynolds)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

Memo

To: Members of Wooster City Council

From: Mayor Bob Breneman

RFB

Date: December 18, 2023

Re: Boards and Commissions

I am recommending Mr. Greg Long be reappointed to the following. Thank you for your consideration.

<u>HOSPITAL BOARD OF GOVERNORS</u>	<u>Ward</u>	<u>Term-4 yrs.</u>
Greg Long 857 E. Highland Ave.	2	1/1/2024 - 12/31/2027

ORDINANCE NO. 2023-28

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, 2024, 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, 2024, 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.

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 11-20-2023 2nd reading 12-4-2023 3rd reading _____

Passed: _____, 2023 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2023
Mayor

Introduced by: Craig Sanders

RESOLUTION NO. 2023-83

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO CONTRACTS WITH THE LOWEST AND BEST BIDDERS FOR THE DEMOLITION AND ASBESTOS ABATEMENT OF A CITY-OWNED DUPLEX ON E. HENRY STREET, AND ALLOWING FOR IMMEDIATE ENACTMENT

WHEREAS, it is necessary to prepare for the expansion of the Community Center and demolition removes an existing property in very poor condition;

WHEREAS, such project is included in the capital plan for 2024.

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

SECTION 1. That with respect to the demolition of the Henry Street property, the Director of Administration is hereby authorized to advertise according to law and enter into contracts with the lowest and best bidders for: (1) demolition, (2) foundation removal, and (3) asbestos abatement; in accordance with specifications on file in the office of the director.

SECTION 2. The cost of such contracts will not exceed the amount appropriated for this purpose.

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

SECTION 4. This Resolution is 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; 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: _____

Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2023

Mayor

Introduced by: Barb Knapic

Rep
2023-83

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Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division	Building Standards	Meeting Date Requested	12/18/2023
Project Name	E. Henry St. Demolitions	Estimated Total Funds/Costs	\$63,000
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED			
If No, How is the Purchase to be Funded?			
Description of Request This is a request to enter into a contract with the lowest and best bidder to perform asbestos abatement and demolition of a City owned duplex on E. Henry Street. The demolition estimated at \$16,400 The asbestos abatement estimated at \$46,600 Total = \$63,000			
Justification / Benefits This project is necessary to prepare for the expansion of the Community Center. It also removes an existing property in very poor condition.			
Will this Project affect the City's Operating Costs No.			
What Alternatives Exist and what are the Implications of the Alternatives We could not expand the Community Center.			
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons <small>Suspension of the rules is not necessary but earlier passage would allow us to take advantage of the lower costs at this time of year. We also avoid dealing with issues arising from owning a vacant property in very poor condition.</small>			
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.			
Manager Requesting: Tim Monea		Date: 12/7/2023	

Approved for Agenda Yes No

RESOLUTION NO. 2023-84

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO CONTRACTS WITH THE LOWEST AND BEST BIDDERS FOR THE DEMOLITION AND ASBESTOS ABATEMENT OF TWO CITY-OWNED HOUSES ON NORTH STREET, AND ALLOWING FOR IMMEDIATE ENACTMENT

WHEREAS, it is necessary to prepare for the expansion of the City-owned off-street parking;

WHEREAS, such project is included in the capital plan for 2024.

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

SECTION 1. That with respect to the demolition of the North Street properties, the Director of Administration is hereby authorized to advertise according to law and enter into contracts with the lowest and best bidders for: (1) demolition, (2) foundation removal, and (3) asbestos abatement; in accordance with specifications on file in the office of the director.

SECTION 2. The cost of such contracts will not exceed the amount appropriated for this purpose.

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

SECTION 4. This Resolution is 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; 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: _____

Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2023

Mayor

Introduced by: Barb Knapic

Res 2023-24

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division	Building Standards	Meeting Date Requested	12/18/2023
Project Name	North St. Demolitions	Estimated Total Funds/Costs	64,000
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED			
If No, How is the Purchase to be Funded?			
Description of Request This is a request to enter into a contract with the lowest and best bidder to perform asbestos abatement and demolish two City owned houses on North Street. 355 and 401 E. North St. demolition estimated at \$34,000 355 and 401 E. North St. asbestos abatement estimated at \$30,000			
Justification / Benefits This project is necessary to allow for the expansion of the City owned off-street parking lot.			
Will this Project affect the City's Operating Costs No.			
What Alternatives Exist and what are the Implications of the Alternatives We could not expand the parking lot. The economic development plan for this area requires additional parking.			
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons Suspension of the rules is not necessary but earlier passage would allow us to take advantage of the lower costs at this time of year. We also avoid dealing with issues arising from owning vacant houses.			
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.			
Manager Requesting: Tim Monea		Date: 12/7/2023	

Approved for Agenda Yes No

RESOLUTION NO. 2023-85

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PHASE ONE CITY HALL WINDOW REPLACEMENT PROJECT

WHEREAS, this project is necessary to replace 60-year old single-pane windows with new energy-efficient windows;

WHEREAS, such project is included in the capital plan for 2024.

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

SECTION 1. That the Director of Administration is hereby authorized to advertise according to law and enter into contracts with the lowest and best bidders for the above reference project.

SECTION 2. The cost of such contracts will not exceed the amount appropriated for this purpose.

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: _____

Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2023

Mayor

Introduced by: Barb Knapic

Res 2023-25

3

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Building Standards	Meeting Date Requested 12/18/2023
Project Name City Hall Phase I window replacement	Estimated Total Funds/Costs 159,500
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? Funding for this project will be included in the 2024 Appropriations Budget.	
Description of Request This is a request to authorize the advertisement for bids and to enter into a contract with the lowest and best bidder for the replacement of 72 windows on the South wing of City Hall. This is phase 1 of a three phase project as follows. Phase 1 (2024) estimated \$159,500 for 72 upper and lower windows on the South two-story wing of City Hall. Phase 2 (2025) estimated \$167,475 for 76 upper and lower windows on the North two-story wing of City Hall. Phase 3 (2026) estimated \$175,835 for 78 upper and lower windows on the center section of City Hall (the one-story section between the North and South wings), including 10 basement windows at the rear of City Hall.	
Justification / Benefits This project is necessary to replace 60 year old single pane windows with new energy efficient windows.	
Will this Project affect the City's Operating Costs Yes. We can downsize the City's new chiller equipment by 25% saving the cost of the larger equipment purchase and maintenance and lower energy costs in the cooling and heating seasons.	
What Alternatives Exist and what are the Implications of the Alternatives We could do nothing and continue to live with higher energy costs, larger HVAC equipment, and comfort issues.	
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 Suspension of the rules is not necessary but earlier passage would allow the opportunity to bid this as early as possible in order to obtain the best bids.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Tim Monea	Date: 12/7/2023

Approved for Agenda Yes No

RESOLUTION NO. 2023-86

A RESOLUTION IMPOSING A MORATORIUM ON THE GRANTING OR PROCESSING OF PERMITS FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE CULTIVATION, PROCESSING, OR RETAIL SALE OF MARIJUANA WITHIN THE CITY OF WOOSTER, AND ALLOWING FOR IMMEDIATE ENACTMENT

WHEREAS, Ohio voters approved State Issue 2 on November 7, 2023 adopting proposed legislation authorizing the cultivation, sale, and use of marijuana products for recreational purposes; and,

WHEREAS, pursuant to the operation of Article II, Section 1b of the Ohio Constitution, the proposed legislation now approved by Ohio voters will automatically be incorporated into the Ohio Revised Code as Sections 3780.01 through 3780.99 and become effective on December 7, 2023 with no further action required by the Ohio General Assembly (the "Act"); and,

WHEREAS, upon the passage of Issue 2, members of the Ohio General Assembly have already expressed an intention to amend the Act but have not yet clarified whether the Act will be repealed, modified, or materially altered; and,

WHEREAS, Section 3780.03 of the Act provides that a newly created "Division of Cannabis" shall adopt rules establishing standards and procedures for the implementation of the adult use marijuana program, including licensing requirements for cultivators, processors, and retailers; and

WHEREAS, the Act, as currently constituted, provides the Division of Cannabis a period of nine months after December 7, 2023 to implement rules and regulations regarding the adult-use marijuana program pursuant to Section 3780.28; and

WHEREAS, Council and the Mayor intend to adopt legislation that provides for the orderly implementation of adult use cannabis in the City consistent with State laws and regulations; and

WHEREAS, pursuant to the Ohio Constitution and local ordinances, City Council possesses the inherent power to enact appropriate planning, zoning, and business regulation laws that further the health, safety, welfare, comfort, and peace of its citizens, including restricting, prohibiting and/or regulating certain business uses; and

WHEREAS, at least until such time as regulations are adopted, the amendments to the Act are adopted, and the City has had an opportunity to study the foregoing, Council has determined it to be in the best interests of the community health, safety, and welfare to impose an immediate moratorium on any cultivation, processing, or retail dispensing of marijuana for adult use business purposes in any form within the City of Wooster, except as required by the Act; now, therefore

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

SECTION 1. Except as required by the Act, City Council hereby imposes an immediate moratorium on the issuance and processing of any permits for cultivators, processors, and retail dispensaries of adult-use marijuana as defined in Sections 3780.01 through 3780.99 of the Ohio Revised Code.

SECTION 2. The purpose of this moratorium is to allow the City Administration and Council to consider amendments to pertinent Codified Ordinances, including the Zoning Code, to prepare regulations which may be necessary, and to determine where and whether to allow, limit or prohibit cultivators, processors, and retail dispensaries in the City.

SECTION 3. Council and the Mayor hereby direct and order that no permits for cultivators, processors or retail dispensaries of adult-use marijuana shall be issued or processed by the City during the moratorium, except as may be required by the Act with respect to existing dispensaries of marijuana products for medical use.

SECTION 4. The moratorium shall be in effect for a period beginning from the effective date of this Resolution through the earlier of July 31, 2024, until changes are enacted to amend the Codified Ordinance of the City of Wooster to address these issues, or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

SECTION 5. 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 6. This Resolution 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 impose this moratorium in order to permit the City of Wooster to more fully study the problem and the need, if any, for the regulation thereof; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st Reading _____ 2nd Reading _____ 3rd Reading _____

Passed: _____ Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2023
Mayor

Introduced by: Robert Reynolds

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Law	Meeting Date Requested 12/18/23
Project Name Issue 2 Moratorium	Estimated Total Funds/Costs: None
Is Full Amount Budgeted? Not applicable	
<p>Description of Request: This is a request for a Moratorium on the issuance of any permits for businesses that would be allowed under R.C. 3780 to cultivate, process, and/or sell marijuana at retail. As the regulatory structure for the activities regulated in R.C. 3780 is not yet completed, and the legislation itself may be amended, a moratorium is prudent at this time pending the final regulations.</p> <p>The moratorium will allow the City to consider amendments to pertinent Codified Ordinances, including the Zoning Code, to prepare regulations which may be necessary, and to determine where and whether to allow, limit or prohibit cultivators, processors, and retail dispensaries in the City.</p>	
<p>Justification / Benefits: Passing this legislation will allow the City to make prudent and knowledgeable regulations once the</p>	
Will this Project affect the City's Operating Costs NO	
<p>What Alternatives Exist and what are the Implications of the Alternatives: We could take no action, but this would be imprudent because we do not know what the final regulatory structure will be.</p>	
<p>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 Immediate enactment is necessary since the current contract expires at the end of 2023.</p>	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: John Scavelli	Date: 12-12-23

Approved for Agenda Yes No