

CITY COUNCIL AGENDA

February 5, 2024

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

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

V. COMMITTEE REPORTS; PUBLIC HEARINGS

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

1. First Reading – ORDINANCE NO. 2024-04 AN ORDINANCE AMENDING ORDINANCE NO. 2021-16: AUTHORIZING THE MAYOR TO INCLUDE WELCH PACKAGING GROUP INC AS A TENANT PARTY TO THE COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY OF WOOSTER AND THE WOOSTER BRUSH COMPANY, FOR IMMEDIATE ENACTMENT (Abernathy)
2. First Reading - ORDINANCE NO. 2024-05 AN ORDINANCE AMENDING CHAPTER 162, MANAGEMENT BENEFITS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO AND ALLOWING FOR IMMEDIATE ENACTMENT (Knapic)
3. First Reading - RESOLUTION NO. 2024-16 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT(S) WITH THE LOWEST AND BEST BIDDER(S) FOR FURNISHING BITUMINOUS MATERIAL (Myers)
4. First Reading - RESOLUTION NO. 2024-17 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR MOWING SERVICES FOR CITY-OWNED PROPERTY (Huszai)
5. First Reading - RESOLUTION NO. 2024-18 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR LANDSCAPING AND BED MAINTENANCE SERVICES FOR CITY-OWNED PROPERTY (Huszai)
6. First Reading - RESOLUTION NO. 2024-19 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH FLOWPOINT ENVIRONMENTAL SYSTEMS FOR PROFESSIONAL SERVICES TO REPLACE THE EXISTING BULK WATER STATION AND BILLING SOFTWARE (Abernathy)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

ORDINANCE NO. 2024-04

AN ORDINANCE AMENDING ORDINANCE NO. 2021-16: AUTHORIZING THE MAYOR TO INCLUDE WELCH PACKAGING GROUP INC AS A TENANT PARTY TO THE COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY OF WOOSTER AND THE WOOSTER BRUSH COMPANY, FOR IMMEDIATE ENACTMENT.

WHEREAS, this City Council, in Ordinance No. 2021-16, authorized the Mayor to enter into an agreement with the Wooster Brush Company for Community Reinvestment Area Tax Incentives for the construction of an approximately 400,000 to 600,000 square foot warehouse and manufacturing facility, with the commitment of creating twenty-five full-time basic-sector job equivalents and retaining an equivalent of 628 basic-sector full-time jobs, with an exemption of 75% of real estate taxes for a period of ten (10) years; and

WHEREAS, in addition to encouraging reinvestment in previously developed and historic areas, the CRA was extended into commercial and industrial zones with the purpose of incentivizing basic-sector jobs in the City of Wooster, as basic-sector jobs contain significant economic multipliers that increase economic opportunities for residents and to further incentivize nonbasic-sector development and hiring, including within the retail and local service industry sectors; and

WHEREAS, The Wooster Brush Company, after having completed construction of the structure at 608,000 square feet, constructing the facility for single-occupancy, and through other means has demonstrated a sincere intent of fully occupying the space, has recently found it will not require the approximate 202,000 square foot northern partition of its building until the year 2038 or later, and now seeks an option to keeping the space maintained and active in the interim, and

WHEREAS, Welch Packaging Group, Inc., desires to utilize The Wooster Brush Company's available space while tax-exempted, having found the space during a multi-state search with assistance from JobsOhio, and having been offered a State of Ohio Economic Development Grant and an Ohio Job Creation Tax Credit, with separately committing to the creation of 50 new full-time jobs with a minimum \$3.2 MM payroll; and

WHEREAS, in order for Welch Packaging Company to occupy The Wooster Brush Company's exempted 202,000 square feet previously described in the original application, and in order for The Wooster Brush Company to obtain credit for job and payroll commitments owing to tenant's operations, and to further demonstrate City's compliance with Ohio Revised Code 3735.673, authorization of the new firm is necessary.

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

SECTION 1. Ordinance No. 2021-16 is modified to provide that the Mayor, on behalf of the City of Wooster, is authorized to enter into an *amended* agreement with The Wooster Brush Company to provide for 1.) Welch Packaging Group, Inc. is authorized as a tenant with its job and payroll at the project site to be credited toward The Wooster Brush Company's commitments, and 2.) such other terms as the Mayor, in his discretion, deems appropriate.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees, in compliance with 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 new property owners as originally contemplated; 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: _____, 2024 Vote: _____

Attest: _____
 Clerk of Council President of Council

Approved: _____, 2024 _____
 Mayor

Introduced by: Michael Abernathy, Jr.

OND
2024-04

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division	Development	Meeting Date Requested	February 5, 2024
Project Name	CRA Amendment - New Tenant	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 project will add to the City's overall revenues with new employment and income taxes.			
Description of Request The Wooster Brush Company is requesting authorization to lease an approximate 202,000 square foot section of their CRA tax-exempted building at 2550 Daisy Way, Wooster, Ohio 44691 to a basic-sector employer, Welch Packaging Group Inc. The tenant is a corrugated box manufacturer for a national market, and seeks to create a supply-chain manufacturing facility. JobsOhio assisted on this lead and has recommended a State payroll grant (which the City will match with its L-JCTC) and also a direct economic development grant. The tenant has committed to 50 jobs, a \$3.2 MM in new payroll, and a +14year lease. Basic-sector jobs have a strong economic multiplier (generally, a factor of 7), which increase consumer spending for our local market, that in turn incentivizes non-basic sector jobs and developments, such as new retail developments. Staff recommends this amendment due to: 1.) additional basic-sector employment to the City and economic multiplier, and 2.) associated direct revenue impacts for the local community resulting from new employment, 3.) opportunity to support The Wooster Brush Company by allowing it to optimize its facility.			
Justification / Benefits This amendment would increase job counts and also payroll at the facility without any changes to exemption amounts or benefits. New basic-sector employment supports the local market (ie retailers, service industry), encouraging additional investment in the community's nonbasic sector.			
Will this Project affect the City's Operating Costs City may earn between \$10K-\$13K annually initially, and then \$60K-\$96K after 7-10 years.			
What Alternatives Exist and what are the Implications of the Alternatives The request is exemplary of the spirit of the program. Council is no obligation to grant approval as CRA is discretionary, however, this request does not change benefit amounts, would aid job creation in Wooster, and arrives with substantial State of Ohio financial support.			
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 A suspension of the rules would greatly aid in planning.			
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.			
Manager Requesting: Jonathan Millea		Date: January 4, 2024	

Approved for Agenda Yes No

COMMUNITY REINVESTMENT AREA AMENDMENT SUMMARY: Wooster Brush Co.



Prepared by the City of Wooster Department of Community Service and Development at the Request of:
Wooster Brush – Project Site: 2550 Daisy Way, Wooster, Ohio 44691
 Application Date 21 December 2023.

Project Summary: This proposal seeks to amend The Wooster Brush Company’s 2016 Community Reinvestment Area agreement by allowing a new company, Welch Packaging Group Inc., as an authorized tenant in the facility. While this request does not change the terms or benefit of CRA, it arrives with matching support from JobsOhio, which is working to secure the tenant’s expansion to Ohio with aid of an economic development grant and a tax credit.

Background: Originally, with support from JobsOhio, The Wooster Brush Company sought an expansion in Wooster, with help of the CRA program. Ordinance 2021-16 authorized a 10-year, 75% property tax exemption on the proposal to construct a new 608,400 square foot (sf) manufacturing and warehouse facility at 2550 Daisy Way, Wooster, Ohio. With a 2023 \$32,068,620 valuation for new improvements, The Wooster Brush Company’s anticipated annual CRA benefit approximates \$861,107, or a 75% exemption off a total \$1,148,142.14 total facility tax bill.

On The Wooster Brush Company: The original project was executed to plan, with the building constructed on time and with substantially higher investment than originally committed. Retention of 628 jobs within the City and the creation of 25 new jobs were also committed, with 50 to 75 of these positions ultimately intended to locate to the 2550 Daisy Way facility. The Wooster Brush Company advised that it may sublease approximately 200,000sf of the facility for 12 to 24 months for storage as it scaled its operations. This sincere intent is further evidenced by the company building a single-occupancy building, instead of installing normal infrastructure for long-term leased space, such as direct entrances, separate utility systems, and office areas. However, as The Wooster Brush Company restructured its real estate, including selling its 1654 Old Mansfield Rd. facility, it has determined it will not require the 202,800sf north partition for a much longer time than thought. This led the firm to begin exploring other means to keep the space in productive use.

On Welch Packaging Group Inc.: JobsOhio has been working with a corrugated box manufacturer producing products for a national marketplace, which already has multiple plants throughout the Midwest and Southern United States. The company is now seeking a long-term lease facility in which to manufacture supply-chain materials for its multi-state facility network. Ohio is among just a few states with proximity to key base-material suppliers. JobsOhio paired the company with The Wooster Brush Company’s space, and it was determined with some additional building improvements, most critically to install significant new electric utilities, the site is viable for Welch Packaging Group Inc.’s long-term expansion in Ohio. JobsOhio has recommended Welch Packaging Group Inc. for a State of Ohio Economic Development Grant and a Payroll Grant (Job Creation Tax Credit), to be considered by the Ohio Tax Credit Authority January 29, 2024. Proposed matching local support would include a local job creation tax credit and support of this requested CRA Amendment from The Wooster Brush Company. Welch Packaging Group Inc. will commit to a minimum of **50** full-time jobs with a **\$3.2 MM** payroll (\$30.85 average hourly wage) in Wooster, though it anticipates these figures may ultimately range 40% higher. The company will also make a total fixed asset investment in Wooster of **\$18 MM**.

Project Impacts: This is the first year in which the CRA tax exemption will be realized. Final figures from the Wayne County Auditor’s Office are pending. The total anticipated charge for the property is \$893,866.30. The exemption saves The Wooster Brush Company \$645,831 annually. An amendment is required to demonstrate compliance with Ohio laws pertaining to employment activity taking place within incentive-exempted properties. Absent of an amendment, The Wooster Brush Company may have to forgo its exemption or forgo its long-term lease opportunity with Welch Packaging Group Inc. With an amendment, **terms and benefit amounts remain unchanged**, however, the City and State would enjoy benefits from expanded basic-sector job creation and payroll activity than originally committed. Having the operation in Ohio, rather than prospective other states, means expansion of the basic-sector workforce and also greater demand from Ohio-based firms which will source base products for the manufacturing process. Based on *minimum* commitments, this would generate approximately **\$24,063** in local income tax revenues during the L-JCTC period (a portion shared with Wooster City School District), then around **\$48,126** annually after the L-JCTC period. The Economic Development Office’s *estimated* property tax results are shown below. Of the \$248,036 billed, \$13,578 is paid into the General Fund.

		<i>Per Original Agreement - Estimated Figures : No Change with Amendment</i>													
		2022 Pay	2023 Pay	2024 Pay	2025 Pay	2026 Pay	2027 Pay	2028 Pay	2029 Pay	2030 Pay	2031 Pay	2032 Pay	2033 Pay	2018 Pay	2028 Pay
Incentive Impacts:	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2033	2024	2023	
Real Taxes Paid	\$7,887	\$248,036	\$248,036	\$248,036	\$248,036	\$248,036	\$248,036	\$248,036	\$248,036	\$248,036	\$248,036	\$248,036	\$248,036	\$248,036	
Real Taxes Foregone	-	\$645,831	\$645,831	\$645,831	\$645,831	\$645,831	\$645,831	\$645,831	\$645,831	\$645,831	\$645,831	\$645,831	\$645,831	\$645,831	

Constant tax rate of 76.720069 mills applied. Noted as 75% complete construction, with a valuation of \$32,068,620 for a 608,400 sf facility (Wooster permit B-22-42), amounting to \$52.71 per square foot. In transitioning to 100% completion for 2024, it’s possible, but not expected, that appraisers could adjust the valuation, possibly commensurately.

Note: Notification to local school districts are required before an amendment to an existing Community Reinvestment Area (CRA) abatement may be considered by the Wooster City Council. Community Reinvestment Area #169-86348-01 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 Economic Development Office at 330.263.5250.

AMENDMENT #1 TO COMMUNITY REINVESTMENT AREA AGREEMENT

THIS First Amendment to the Community Reinvestment Area Agreement dated September 14, 2021, is made by and between the City of Wooster, Ohio, a municipal corporation, with its main offices located at 538 N. Market Street, Ohio 44691 (hereinafter referred to as "City"), and The Wooster Brush Company, an Ohio Enterprise for Profit, with its main offices located at 604 Madison Avenue, Wooster, Ohio 44691 (hereinafter referred to as "Enterprise"), and Welch Packaging Group Inc., an Indiana Corporation For-Profit, with its main offices located at 1130 Herman St., Elkhart, Indiana, 46516, (hereinafter referred to as "Tenant").

WITNESSETH:

WHEREAS, by Ordinance No. 2021-16, City granted Enterprise a 10-year, 75-percent Community Reinvestment Area agreement ("CRA") to incentivize the creation of an approximate 400,000 to 600,000 square foot warehouse and manufacturing facility at 2550 Daisy Way, Wooster, Ohio 44691, with a permanent parcel number of 73-00017.000, hereinafter referred to as "Project Site" (formerly known as Parcel 53-01011.000 and "13-16-23 SEPT SW 53.824A CD 1314"), so as to expand its operations and retain 625 jobs while creating 25 additional full-time positions or equivalents; and

WHEREAS, Enterprise completed a construction of a 600,000 square foot industrial facility at the site prior to the May 31, 2023 completion date and at the time of this amendment is conducting manufacturing and distribution activities as intended; and

WHEREAS, Enterprise has recently determined that it will not require a 200,000 square foot partition of the building for a prolonged period, and seeking to have the space utilized, marketing the space as available for long-term lease; and

WHEREAS, Tenant, a basic-sector employer, is a corrugated custom box manufacturer serving a national market and operates several box manufacturing facilities, including three sites in Ohio, and explored a multi-state area to site a facility to develop its own supply chain and create materials for its existing factories; and

WHEREAS, Tenant intends to establish between 50 and 70 new full-time jobs with a payroll of \$2,808,000 and \$3,931,200, and undertake a capital investment of \$16,800,000, in order to establish production lines to produce materials for its multi-state production network; and

WHEREAS, with Enterprise, JobsOhio, the Wayne Economic Development Council, and the City of Wooster supported an expansion inquiry by Tenant in November 2023 to the 2550 Daisy Way, Wooster, Ohio 44691 facility; and

WHEREAS, JobsOhio is supportive of the expansion and has recommended assistance through a direct Economic Development Grant and also the State of Ohio's Job Creation Tax Credit Program, should Tenant decide upon a long-term commitment in locating its expansion in Ohio; and

WHEREAS, As it is essential in ensuring Tenant's successful expansion to Ohio, and Enterprise's long-term ability to support its ongoing economic expansion at the facility, Enterprise and Tenant together request the City's support of allowing retention of the existing CRA benefits.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties hereto agree as follows:

Section 1: Tenant is approved as a tenant of the Project Site. Enterprise may include Tenant's created employees at its tax-exempted Project Site, and said employees will be credited toward Enterprise's annual job commitment requirements. Tenant shall disclose to City annually employment and payroll figures specific to its hiring at the Project Site only. Tenant also affirms it has adopted a nondiscriminatory hiring policy, meaning no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry, in compliance with Ohio Revised Code 5709.832, and agrees to furnish a copy of its policy upon request.

Section 2: Enterprise and Tenant acknowledge Ohio Revised Code 5709.633 prohibits relocation of existing jobs from any other Ohio location to the Project Site without prior written consent from the Ohio Department of Development. This provision does not apply to existing Ohio jobs which are relocated and then replaced within the affected location. Enterprise must coordinate with City and the Ohio Department of Development at least 60 days in advance to obtain a waiver and written approval through City's legislative authority, which is not guaranteed, prior to any job relocation.

Section 3: Enterprise agrees to indemnify and hold harmless City from all lawful claims, judgements, penalties, attorneys' and consultants' fees, and/or liabilities arising out of, involving, or in connection with this Community Reinvestment Area agreement and/or this amendment.

Section 4: All other terms of the Agreement dated September 14, 2021 shall remain the same.

IN WITNESS WHEREOF, the City of Wooster, Ohio, by Robert F. Breneman, its duly-elected Mayor, and pursuant to authority granted by the adoption of Ordinance No. 2024-____, has caused this instrument to be executed this ____ day of _____, 2024; and The Wooster Brush Company, by Ben Maibach, its President, has caused this instrument to be executed on this __ day of _____, 2023; and Welch Packaging Group Inc. by Joseph Stiglitz, its Chief Financial Officer, has caused this instrument to be executed on this __ day of _____, 2023.

CITY OF WOOSTER, OHIO

By _____
Robert Reynolds, Mayor

THE WOOSTER BRUSH COMPANY

By _____
Ben Maibach, President

WELCH PACKAGING GROUP INC

By _____
Joseph Stiglitz, CFO

Approved as to form: _____
John Scavelli, Attorney at Law
City of Wooster
538 N. Market Street
Wooster, Ohio 44691
Tel. 330-263-5248 / Fax 330-263-5247

COMMUNITY REINVESTMENT AREA AGREEMENT

THIS AGREEMENT, made and entered into by and between the City of Wooster, Ohio, a municipal corporation, with its main offices located at 538 N. Market Street, Ohio 44691 (hereinafter referred to as "City"), and The Wooster Brush Company, with its main offices located at 604 Madison Avenue, Wooster, Ohio 44691 (hereinafter referred to as "Enterprise").

WITNESSETH:

WHEREAS, City has encouraged the development of real property and the acquisition of personal property located in the area designated as a Community Reinvestment Area; and

WHEREAS, Enterprise desires to undertake new construction at 2700 Daisy Way, Wooster, Ohio 44691 (Note, this address is a placeholder. Specifically, the site is a 44-acre portion of PPN 53-01011.000, also known as "13-16-23 SEPT SW 53.824A CD 1314") (hereinafter referred to as the "Real Property"), so as to construct a 400,000 to 600,000 square foot warehouse and manufacturing facility (hereinafter referred to as the "PROJECT") within the boundaries of the aforementioned Community Reinvestment Area, provided that the appropriate development incentives are available to support the economic viability of said PROJECT and Enterprise is able to acquire fee title to the Real Property upon terms acceptable to it; and

WHEREAS, Enterprise will hold and manage the Real Property and improvements constructed thereon and directly be responsible for real estate taxes (subject to the exemption set forth in this Agreement), providing the Compliance Report (defined below), and will be responsible for creating an estimated 25 new jobs and retaining 628 jobs in the City of Wooster; and

WHEREAS, the City Council of Wooster, Ohio, by adoption of Ordinance No. 2004-33 on December 12, 2004, as amended by adoption of Ordinance No. 2020-42 on November 16, 2020, designated the area in which the Real Property is situated as a "Community Reinvestment Area" pursuant Chapter 3735 of the Ohio Revised Code; and

WHEREAS, effective March 10, 2005, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Ordinance No. 2004-33 contained the characteristics set forth in Section 3735.66 of the Ohio Revised Code, determined that the City and its legislative authorities have fully complied with said Chapter 3735, and confirmed said area as a Community Reinvestment Area under said Chapter 3735; and

WHEREAS, City, having the appropriate authority for the stated type of project, desires to provide Enterprise with incentives available for the development of the PROJECT in said Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

WHEREAS, Enterprise has submitted a proposed agreement application for tax exemption (herein attached as Exhibit "B") to the Wooster Growth Corporation, the designated community improvement corporation of the City as well as the "housing officer" designated in Section 3735.67 of the Ohio Revised Code, and the City has determined that the Application is in full compliance with Section 3735.67 of the Ohio Revised Code (hereinafter referred to as "APPLICATION"); and

PA. 12-19

WHEREAS, Enterprise has remitted the required state application fee of \$750.00 made payable to the Ohio Development Services Agency, with the application to be forwarded to said department with a copy of the final agreement; and

WHEREAS, the Wooster Growth Corporation, as the designated community improvement corporation of City, has investigated the APPLICATION, verified the facts asserted in the APPLICATION, determined that the construction described in the APPLICATION meets the requirements for the exemption under Section 3735.67, and recommended the same to the Wooster City Council on the basis that Enterprise is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Community Reinvestment Area and improve the economic climate of City; and

WHEREAS, the PROJECT site as proposed by Enterprise is located within the Wooster City School District and also within the area served by the Wayne County Schools Career Center, and the Board of Education of the Wooster City School District and the Wayne County Schools Career Center have been notified by the Wooster City Council in accordance with Section 5709.83 and Section 3735.671, (the Board of Education having waived or reduced the 45 day notice requirement set forth therein by adopting a resolution to that effect and certifying that resolution to the Wooster City Council) and given a copy of the APPLICATION, and, pursuant to a resolution adopted by a majority of their board members, have approved the APPLICATION and have granted their approval of the tax exemption set forth in this AGREEMENT, without conditions, and have certified such resolutions to the Wooster City Council; and

WHEREAS, pursuant to Section 3735.67(A) and in conformance with the format required under Section 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference and which the parties hereby confirm to be true and accurate, the mutual covenants hereinafter contained, and the benefit to be derived by the parties from the execution hereof, the parties hereto agree as follows:

1. The parties recognize and agree that Enterprise intends to acquire fee simple title to the Real Property, however, achieving the tax exemption provided in this Agreement is a condition precedent to acquisition of the Real Property and commencement of the PROJECT. Therefore, the City agrees that the Application was filed by Enterprise under Section 3735.67 (A) as the anticipated owner of the Real Property and upon Enterprise's acquisition of title to the Real Property such Application shall be intended to be in full compliance with Chapter 3735 of the Ohio Revised Code, and specifically with Section 3735.67 (A), without further action by the City or Enterprise with the exception of annual reporting required by law.
2. Enterprise shall construct a 400,000 - 600,000 square foot industrial warehouse and manufacturing facility to support its operations and distribution needs.

The PROJECT will involve a total minimum investment by Enterprise of Eighteen Million-Two Hundred and Fifty Thousand Dollars (\$18,250,000) to Twenty-Four Million Two Hundred and Fifty Thousand Dollars (\$24,250,000) at the Real Property site. This investment fully pertains to new Construction. Included in this investment is a minimum of Thirteen Million Dollars (\$13,000,000) to Nineteen Million Dollars (\$19,000,000) for new

JA: 12-15-20

construction of the facility, and Five Million Dollars (\$5,000,000) for machinery and equipment, and Two Hundred and Fifty Thousand Dollars (\$250,000) for furniture and fixtures.

The PROJECT is scheduled to begin on or after October 1, 2021 and all acquisition, construction, and installation is scheduled to be completed by December 31, 2023.

Enterprise will follow all applicable local laws and procedures in connection with the construction, maintenance, and use of the PROJECT property through the exemption period.

3. Enterprise shall create within a time period not exceeding 36 months after the commencement of construction of the aforesaid facility, the equivalent of 25 new full-time permanent job opportunities, 0 new part-time permanent job opportunities, 0 full-time temporary job opportunities and 0 part-time temporary job opportunities. Full-time job equivalents are to be determined on a paid hour basis, with 2,080 hours paid equating to one full-time job. Enterprise will use its best efforts to retain 628 jobs in the City of Wooster, including 25 full-time or equivalent jobs at the PROJECT site. The existing jobs may be relocated from and between Enterprise's existing facilities located at 604 Madison Avenue Wooster, Ohio 44691 and 1654 Old Mansfield Road, Wooster, Ohio 44691.

Enterprise's schedule for hiring is as follows: create 0 new jobs in year one (construction); 10 new full-time permanent jobs in year two; 15 new full-time permanent jobs in year three. The job create period begins August 1, 2021 and all jobs will be in place by August 1, 2024.

In total, Enterprise has 630 full-time permanent employees in the State of Ohio.

This increase in the number of employees will result in approximately Seven Hundred and Two Thousand Dollars (\$702,000) of additional annual payroll for Enterprise.

The retention of 628 jobs in Wooster will maintain the current annual payroll of Twenty-Eight Million, One-Hundred and Thirty-Three Thousand, and Three Hundred and Sixty-Three Dollars (\$28,133,363).

4. On an annual basis, Enterprise shall provide to the proper Tax Incentive Review Council any information reasonably required by the council to evaluate the property owner's compliance with this AGREEMENT, including returns filed pursuant to Section 5711.02 of the Ohio Revised Code, if requested by the council (the "Compliance Report").
 - a. Enterprise will maintain its operations in the City of Wooster, Wayne County, including at the proposed PROJECT site for which tax exemption is granted, for at least one additional year for every year for which abatement is granted, which is a total commitment period of 20 years, including the 10-year abatement term specified in Section 4.
 - b. In the case of considering equally-qualified candidates, Enterprise shall give preference to residents of the zone within which the AGREEMENT applies relative to residents of this state who do not reside in the zone when hiring new employees under the AGREEMENT.

- c. Enterprise is encouraged, but not required, to maintain a membership in the Wooster Area Chamber of Commerce.
5. City hereby grants Enterprise a tax exemption for real property improvements made to the PROJECT site pursuant to Section 3735.67 of the Ohio Revised Code and shall be in the following amounts:

<u>Year of Tax Exemption</u>	<u>Percentage of Exemption</u>
10 Years	75 Percent

Each identified PROJECT improvement will receive a ten year exemption period. The exemption commences the first year for which the Real Property exemption would first be taxable were that property not exempted from taxation. No exemption shall commence after May 31, 2023 nor extend beyond December 31, 2034 (herein referred to as the "Exemption Term").

During the Exemption Term, Enterprise must file the tax forms required by applicable law with the County Auditor to effect and maintain the exemptions covered in this AGREEMENT.

6. City does not presently charge an administrative fee for management of the Community Reinvestment Area. However, it reserves the right to institute such a change during the term of this agreement. In the event the City should do so, Enterprise shall pay an annual fee equal to the greater of one percent of the dollar value of incentives offered under this AGREEMENT or (\$500.00) Five Hundred Dollars: provided, however, that if the value of the incentives exceeds Two Hundred Fifty Thousand Dollars, the fee shall not exceed (\$2,500.00) Two Thousand Five Hundred Dollars.

The fee, if imposed, shall be made payable to the City once per year for each year the agreement is in effect, and payment will be due when invoiced by the City. The fee is to be paid to the City's Director of Finance and made payable to the City of Wooster. This fee shall be deposited in a special fund created for such purpose and shall be used exclusively for the purpose of complying with Section 3735.671(D) of the Ohio Revised Code and by the tax incentive review council created under Section 3735.671(D) of the Ohio Revised Code exclusively for the purposes of performing the duties prescribed under that section.

7. Enterprise agrees to be assessed an annual fee equal to the amount of any income tax revenue sharing that City is required to pay to the Wooster City School District per Ohio Revised Code Section 5709.82 on behalf of any employee of any company relocating to the project site from another location within the City of Wooster, excluding Enterprise's own employees. City will invoice Enterprise for any such revenue sharing payment. Revenue sharing fees will not apply to new jobs or existing jobs that relocate to the Project from outside of the City of Wooster.
8. Enterprise shall pay such real and tangible personal property taxes as are not exempted under this agreement and are charged against such property, and shall file all tax reports and returns as required by law. In the event Enterprise fails to pay such taxes or file such returns and reports, all incentives granted under this agreement are rescinded beginning with the

DA-12-17-23

year for which such taxes are charged or such reports or returns are required to be filed and thereafter.

9. Enterprise shall pay such real and tangible personal property taxes as are not exempted under this AGREEMENT and are charged against the Real Property, and shall file all tax reports and returns as required by law. In the event Enterprise fails to pay such taxes or file such returns and reports, all exemptions from taxation granted under this AGREEMENT are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter. Notwithstanding the foregoing or any other provision in this AGREEMENT, if Enterprise disputes the tax valuation of the Real Property or the personal property located thereon, or any other aspect of the tax assessed against the Real Property, and if Enterprise takes action to challenge such valuation or tax, then the real property tax exemption provided in this AGREEMENT, will not be rescinded and Enterprise will not be in default of its obligations under this AGREEMENT unless Enterprise fails to tender the tax and associated amounts determined to be due and owing within forty-five (45) days after issuance of a non-appealable final order or other decision of a court or other administrative/judicial body having proper jurisdiction over the subject matter of such dispute, or Enterprise fails to perform as required under any agreement or non-appealable final order for the satisfaction of such taxes or associated amounts over time to the extent allowed by law.
10. Enterprise shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this AGREEMENT including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions; provided, however, that such documents or certifications are in compliance with Chapter 3735 of the Ohio Revised Code and do not in way conflict with the terms of this AGREEMENT, or impose upon Enterprise any requirements, obligations, or fees other than as specifically stated in this AGREEMENT.
11. If for any reason the Community Reinvestment Area designation expires, the Director of the Ohio Development Services Agency revokes certification of the zone, or City revokes the designation of the zone, the tax exemption granted under this AGREEMENT shall continue during the remainder of the Exemption Term, unless Enterprise materially fails to fulfill its obligations under this AGREEMENT and City terminates or modifies the exemptions from taxation pursuant to this AGREEMENT.
12. If Enterprise materially fails to fulfill its obligations under this AGREEMENT, or if City determines that the certification as to delinquent taxes required by this AGREEMENT is fraudulent, City may terminate or modify the exemptions from taxation granted under this AGREEMENT and may require the repayment of the amount of taxes that would have been payable had the Real Property not been exempted from taxation under this AGREEMENT.
13. Enterprise hereby certifies that at the time this AGREEMENT is executed it does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which it is liable under Chapters 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Ohio Revised Code, or, if such delinquent taxes are owed, it currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, or has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against it. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day

Pl. 12-19-73

prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes.

14. Enterprise affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) 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.
15. Enterprise and City acknowledge that this AGREEMENT must be approved by formal action of the legislative authority of City as a condition for this AGREEMENT to take effect. This AGREEMENT takes effect upon such approval.
16. City has developed a policy to ensure that recipients of Community Reinvestment Area tax benefits practice non-discriminatory hiring in its operations. By executing this AGREEMENT, Enterprise commits to following non-discriminatory hiring practices, acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.
17. Exemptions from taxation granted under this AGREEMENT shall be revoked if it is determined that Enterprise, any successor property owner, or any related member (as those terms are defined in Section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.
18. Enterprise affirmatively covenants that it has made no false statements to the State or local political subdivisions in the process of obtaining approval of the Community Reinvestment Area incentives. If any representative of Enterprise has knowingly made a false statement to the State or local political subdivision to obtain the Community Reinvestment Area incentives, Enterprise shall be required to immediately return all benefits received under the Community Reinvestment Area Agreement pursuant Section 9.66(C)(2) of the Ohio Revised Code, and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to Section 9.66(C)(1) thereof. Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to Section 2921.13(D)(1) of the Ohio Revised Code, which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.
19. This AGREEMENT is not transferable or assignable without the express written approval of City. Enterprise shall provide the City with at least 90 days' written notice prior to the selling or otherwise transferring any portion of the PROJECT site to a new owner.

Continued on following Page

JA 12-19-23

IN WITNESS WHEREOF, the City of Wooster, Ohio, by Robert F. Breneman, its duly-elected Mayor, and pursuant to authority granted by the adoption of Ordinance No. 2021-16, has caused this instrument to be executed this 14th day of Sept. 2021; and The Wooster Brush Company, by Ben Maibach, its President, has caused this instrument to be executed on this 13th day of SEPT. 2021.

SIGNATORIES:

CITY OF WOOSTER, OHIO

by Robert F. Breneman
Robert F. Breneman, Mayor

THE WOOSTER BRUSH COMPANY

by Ben Maibach
Ben Maibach, President

Approved as to form:
John Scavelli, Attorney at Law
538 N. Market Street
Wooster, Ohio 44691
Tel. 330.263.5248 / Fax 330.263.5247

J.F.
12-19-23

ORDINANCE NO. 2021-16

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE WOOSTER BRUSH COMPANY FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND ALLOWING FOR IMMEDIATE ENACTMENT

WHEREAS, The Wooster Brush Company is a for-profit enterprise with 628 full-time employees in the City of Wooster and desires to construct a 400,000 to 600,000 square-foot distribution and manufacturing facility in the vicinity of Daisy Way (within a 44-acre portion of Parcel #53-01011.000, aka 13-16-23 SEPT SW 53.824A CD 1314), in the City of Wooster, within the area designated by Wooster City Council as a community reinvestment area (CRA), including a capital investment of approximately \$7,000,000 to \$9,000,000, and has requested tax exemption as an incentive to make these improvements; and

WHEREAS, the Wooster Growth Corporation, as the designated community improvement corporation for the City of Wooster, has reviewed the request for CRA tax incentives and has recommended its adoption; and the Wooster City School District Board of Education has also received notice thereof and voted in approval of the pending application, as provided by law.

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

SECTION 1. The Mayor is hereby authorized to enter into an agreement on behalf of the City of Wooster with The Wooster Brush Company for CRA tax incentives. The terms of such agreement will include, but not be limited to, the following: (1) abatement of real estate taxes of 75%; (2) for a maximum term not to exceed ten (10) years; (3) the retention of 628 jobs in the City of Wooster and the creation of 25 additional jobs within 36 months; and (4) such other terms as the Mayor, in his/her discretion, deems appropriate.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council, in compliance with 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 necessary in making a timely application for the funds described above; 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 4-5-21 2nd reading → 3rd reading 4-5-21

Passed: 4-5, 2021

Vote: 6-0 April Repealed

Attest: [Signature]
Clerk of Council

[Signature]
President of Council

Approved: April 6, 2021

[Signature]
Mayor

Introduced by: Scott Myers

I hereby certify this is a true and correct copy of the original on file. [Signature]

[Signature] 12-19-23

*CRA Application – Welch Packaging Group, Inc
Wooster Expansion
2550 Daisy Way, Wooster, Ohio 44691
Authorized Representative: Joseph Stiglitz*

PROPOSED AGREEMENT for Community Reinvestment Area Tax Incentives between the City of Wooster located in the County of Wayne and Welch Packaging Group, Inc.

1. a. Name of property owner, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

<u>Welch Packaging Group, Inc.</u> Enterprise Name (Employer)	<u>Joseph M. Stiglitz</u> Contact Person
<u>1130 Herman St.</u> <u>Elkhart, IN 46516</u> Address	<u>574.575.4303</u> Telephone Number
	<u>stiglitzjm@welchpkg.com</u> Email

- c. Project site:

<u>Wooster Brush North</u> Location Name	<u>Joseph M. Stiglitz</u> Contact Person
<u>2550 Daisy Way</u> <u>Wooster, OH 44691</u> Address	<u>574.575.4303</u> Telephone Number
	<u>stiglitzjm@welchpkg.com</u> Email

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

The project will establish primarily basic-sector corrugated cardboard supply-chain manufacturing, supporting other downstream custom box and display manufacturing facilities throughout a multi-state region. The project will be contained within a 200,000 square foot dedicated area within the Wooster Brush North facility at 2550 Daisy Way, Wooster, Ohio 44691.

- b. List primary 6 digit North American Industry Classification System (NAICS) # 322211
Business may list other relevant SIC numbers. _____

- c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred:

Not applicable.

CRA Application – Welch Packaging Group, Inc
Wooster Expansion
2550 Daisy Way, Wooster, Ohio 44691
Authorized Representative: Joseph Stiglitz

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

Employer Name – Welch Packaging Group, Inc. (Indiana Corporation For-Profit)

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

M. Scott Welch, President; Joseph Stiglitz, CFO; Brock Welch, COO; Lindsay Welch, VP;

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

None

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:

Not Applicable

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

296 Full-time jobs and 9 Part-time jobs

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

Not Applicable

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

Not Applicable

5. Does the Property Owner or Employer owe:

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?

Yes ___ No X

CRA Application – Welch Packaging Group, Inc
Wooster Expansion
2550 Daisy Way, Wooster, Ohio 44691
Authorized Representative: Joseph Stiglitz

- 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: The project will involve a major capital investment to support Welch Packaging Group Inc’s corrugated materials supply chain for its mid-west / southern United States network of box manufacturing facilities. The effort involves establishing manufacturing operations to produce supply chain materials inside a dedicated 200,000 square foot partition of the 2550 Daisy Way, Wooster, Ohio 44691 facility. Work will involve installation of capital equipment, estimated at \$16,800,000, and creation of 50 to 70 new full-time positions to support the operation. Because the building owner had not originally intended have the partition available for long-term lease, additional improvements to the building are necessary, including the installation of separate electric utilities, and additionally outfitting certain areas with office space.
7. Project will begin February 1, 2024, and be completed June 30, 2025 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):
- Between 50 to 70 new full-time jobs (50 full-time jobs or equivalent committed)
- b. State the time frame of this projected hiring: 2 yrs.
- c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees):
- Year 1 = 25 Permanent Full-Time Jobs and 0 Permanent Part-Time Jobs.
Year 2 = 25 Permanent Full-Time Jobs and 0 Permanent Part-Time Jobs
9. a. Estimate the amount of annual payroll such new employees will add between \$2,808,000 (committed) and \$3,931,200 in full-time payroll (new annual payroll must be itemized by full and part-time and permanent and temporary new employees).

CRA Application – Welch Packaging Group, Inc
Wooster Expansion
2550 Daisy Way, Wooster, Ohio 44691
Authorized Representative: Joseph Stiglitz

b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ Not Applicable

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

A. Acquisition of Buildings:	\$ <u>0.00</u>
B. Additions/New Construction:	\$ <u>0.00</u>
C. Improvements to existing buildings:	\$ <u>2,000,000</u>
D. Machinery & Equipment:	\$ <u>16,800,000</u>
E. Furniture & Fixtures:	\$ <u>0.00</u>
F. Inventory:	\$ <u>0.00</u>
Total New Project Investment:	\$ <u>18,800,000</u>

11. a. Business requests the following tax exemption incentives: 75% for ten (10) years covering approximately \$8,083,333 of real property attributable to the 200,000 partition of 2550 Daisy Way, Wooster, Ohio as described above within the original Community Reinvestment Area agreement between the Wooster Brush Company and the City of Wooster, dated September 14, 2021. Be specific as to the rate, and term.

b. Business's reasons for requesting tax incentives:

Welch Packaging Group Inc. serves a national market with custom box manufacturing, including displays, from a network of manufacturing facilities throughout the midwestern and southern United States. The organization is need of a new facility that will develop supply-chain materials to support its other factories. After having considered sites in two other states, with help from the Wayne Economic Development Council and the City of Wooster, Welch Packaging Group Inc. has identified the Wooster Brush 2550 Daisy Way facility in Wooster, Ohio as a preferred site to expand its operations and internally develop its supply chain. Coupled with support from the State of Ohio, including a Job Creation Tax Credit and also a matching Local Job Creation Tax Credit, the operational cost-savings made possible by allowing retention of the CRA for the 200,000 square feet to be long-term leased by Welch Packaging Group Inc. will make an expansion in Ohio possible. In lieu of expanding at other out-of-state facilities, this temporary local support makes it possible to move forward in Ohio with a \$18,800,000 capital investment and creation of 50 to 70 new jobs. With an expansion in Ohio, Welch Packaging Group Inc. will also be able to rely more often on other Ohio businesses to source its base materials, as opposed to relying more so on out-of-state firms.

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.

CRA Application – Welch Packaging Group, Inc
Wooster Expansion
2550 Daisy Way, Wooster, Ohio 44691
Authorized Representative: Joseph Stiglitz

The Applicant agrees to supply additional information upon request.

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.

WELCH PACKAGING GROUP, INC:

Welch Packaging Group, Inc.
Name of Employer

12/15/23
Date


Signature

Joseph Stiglitz, CFO
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.

ORDINANCE NO. 2024-05

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

WHEREAS, the expansion of the position of Deputy Director of Law is necessary for the efficient functioning of the Law Department as well as for providing flexibility when replacing vacancies.

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

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

162.09 MANAGEMENT POSITIONS.

(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
Deputy Director of Law	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
Assistant 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

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 _____ 2nd reading _____ 3rd reading _____

Passed: _____, 2024 Vote: _____

Attest: _____
 Clerk of Council President of Council

Approved: _____, 2024 _____
 Mayor

Introduced by: Barb Knapic

Ord 2024-05

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Law	Meeting Date Requested 2/5/24
Project Name Chapter 162.09 Management Positions	Estimated Total Funds/Costs
Is Full Amount Budgeted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, three readings NOT REQUIRED N/A	
If No, How is the Purchase to be Funded? This is a request to expand the Deputy Director of Law from a part time position to a full time position.	
Description This is a request to modify the management positions ordinance to include the Deputy Director of Law position. This position already exists in the Charter, but is currently a part time position. The current Deputy Director of Law is retiring at the end of March of 2023. As a part time position, we have seen little interest from the legal community and have yet to find a candidate.	
Justification / Benefits A full time Deputy Director of Law position will greatly increase our ability to recruit candidates and allow for the efficient and economical functioning of the Law Department.	
Will this Project affect the City's Operating Costs	
What Alternatives Exist and what are the Implications of the Alternatives We could leave the position as is, which means that it is unlikely to be filled. We will then need to turn to outside counsel to cover the duties of the Deputy Director of Law, which is significantly more expensive per hour.	
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 the recruiting process to continue and to prepare for future retirements.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: John Scavelli	Date: 1/29/2024
Approved for Agenda <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

RESOLUTION NO. 2024-16

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT(S) WITH THE LOWEST AND BEST BIDDER(S) FOR FURNISHING BITUMINOUS MATERIAL

WHEREAS, the Public Properties Maintenance Division, in planning for construction, maintenance and repair needs for municipal infrastructure in the year ahead, has determined that it will need to purchase certain materials, and the cost thereof is included in the budget for 2024.

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

SECTION 1. That in accordance with the estimated needs of the Public Properties Maintenance Division, the Director of Administration is hereby authorized to advertise according to law and enter into a contract(s) with the lowest and best bidder(s) for the purchase of bituminous material, the specifications for which are now on file in the office of the said Director; provided that if the item is available through either the Ohio Department of Administrative Services Cooperative Purchasing Program or the Ohio Department of Transportation Purchasing Program, s/he may make such purchase therefrom without competitive bidding if s/he determines that the price and availability is more advantageous to the City.

SECTION 2. The cost of such contract will not exceed the amount budgeted 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 the law.

SECTION 4. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Introduced: _____ Passed: _____ Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2024
Mayor

Introduced by: Scott Myers

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division PPM	Meeting Date Requested 2/5/2024
Project Name Bituminous Asphalt Products Bid	Estimated Total Funds/Costs \$550,000.00
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 Approval to advertise bids for pricing on the purchase of bituminous asphalt products unless the pricing is available through either the Ohio Department of Administrative Services Cooperative Purchasing Program or the Ohio Department of Transportation Purchasing Program.	
Justification / Benefits Materials are needed to make necessary infrastructure improvements and repairs to various roadways and other City-owned properties in 2024. The PPM Division purchased approximately \$415,000.00 (5600 tons) in Bituminous Asphalt products in 2023 and anticipates spending approximately \$550,000.00 (6500 tons) in 2024.	
Will this Project affect the City's Operating Costs Fully budgeted from 100.31.602 (Street Construction and Repair) - 100.32.301 (Public Properties and Parks) – Capital Projects 301 Fund	
What Alternatives Exist and what are the Implications of the Alternatives By not purchasing these materials (bituminous asphalt products), the condition of the City's infrastructure will worsen causing the City to spend additional monies to make the repairs moving forward.	
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	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Curt Denning	Date: 1/29/2024

Approved for Agenda Yes No

RESOLUTION NO. 2024-17

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR MOWING SERVICES FOR CITY-OWNED PROPERTY

WHEREAS, it is necessary to provide for the mowing of city parks and other city-owned property, and such expense has been budgeted for 2024.

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

SECTION 1. The Director of Administration is hereby authorized to advertise according to law and enter into a contract with the lowest and best bidder for mowing services for city-owned property, in accordance with specifications on file in the Office of the Director of Administration.

SECTION 2. The cost of such contract will not exceed the amount budgeted.

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 the law.

SECTION 4. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Introduced: _____ Passed: _____ Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2024

Mayor

Introduced by: Steve Huszai

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division PPM	Meeting Date Requested 2/5/2024
Project Name City Property Mowing	Estimated Total Funds/Costs \$140,000.00
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 Authorization to advertise for bid for City Property Mowing for 2024. The majority of all city owned property mowing are covered under this contract: public properties & parks, storm water basins, highway right-of-ways and water utilities. The contract will be bid in four segments. Bidders can choose as many segments as they'd like to. The contracted amount to perform the mowing and trimming was nearly \$120,000 in 2023.	
Justification / Benefits By contracting with a professional mowing services business as a cost savings measure that will benefit the City. This contract will also allow our PPM and Utilities employees to address other essential duties in their assigned discipline for the City.	
Will this Project affect the City's Operating Costs Fully budgeted from mostly Cost Centers 100.32.301 (Public Properties & Parks); 507.31.502 (Storm Water); 102.31.602 (Highway); 501.42.504 (Water Production); 502.42.514 (Water Pollution Control)	
What Alternatives Exist and what are the Implications of the Alternatives This would require mowing all of the public properties and parks storm water basins, highway right-of-ways and water utilities with PPM and Utility employees. Approximately 240 man hours per week would be needed to perform all of the City Wide Mowing on the contract.	
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	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Curt Denning	Date: 1/29/2024

Approved for Agenda Yes No

RESOLUTION NO. 2024-18

A RESOLUTION AUTHORIZING THE DIRECTOR
OF ADMINISTRATION TO ADVERTISE
ACCORDING TO LAW AND ENTER INTO A
CONTRACT WITH THE LOWEST AND BEST
BIDDER FOR LANDSCAPING AND BED
MAINTENANCE SERVICES FOR CITY-OWNED
PROPERTY

WHEREAS, it is necessary to provide for landscaping and bed maintenance of city parks and other city-owned property, and such expense has been budgeted for 2024.

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

SECTION 1. The Director of Administration is hereby authorized to advertise according to law and enter into a contract with the lowest and best bidder for landscaping and bed maintenance for city-owned property, in accordance with specifications on file in the Office of the Director of Administration.

SECTION 2. The cost of such contract will not exceed the amount budgeted.

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 the law.

SECTION 4. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Introduced: _____ Passed: _____ Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2024

Mayor

Introduced by: Steve Huszai

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division PPM	Meeting Date Requested 1/29/2024
Project Name Landscaping and Bed Maint.	Estimated Total Funds/Costs \$75,000.00
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 Authorization to advertise for bid Landscaping and Bed Maintenance services. This includes City Owned Property of the following services throughout the entire year: weed control, pre-emergent application, mulching, pruning, trimming, debris removal, and bed edging. These locations include: City Hall, City Parks, Downtown Parking Lots, Downtown Planters and Tree Wells, Gateways and Roundabouts.	
Justification / Benefits Contracting with a professional landscaping and bed maintenance business is a cost savings measure needed to perform these tasks. This contract allows our PPM staff to address other essential duties in their assigned discipline throughout the City.	
Will this Project affect the City's Operating Costs The contract is fully budgeted in the Public Properties and Parks cost center.	
What Alternatives Exist and what are the Implications of the Alternatives Without the contracted services would require the PPM staff to perform these duties.	
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	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Curt Denning	Date: 2/5/2024

Approved for Agenda Yes No

RESOLUTION NO. 2024-19

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH FLOWPOINT ENVIRONMENTAL SYSTEMS FOR PROFESSIONAL SERVICES TO REPLACE THE EXISTING BULK WATER STATION AND BILLING SOFTWARE

WHEREAS, it is necessary to replace the obsolete bulk water loading station and water billing software; and

WHEREAS, bidding is not necessary as this is a contract for professional services pursuant to W.C.O. 160.03.

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 a contract with Flowpoint Environmental Systems for the above-referenced professional services.

SECTION 2. Bidding is not necessary as this is a contract for professional services pursuant to W.C.O. 160.03.

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 the law.

SECTION 4. This legislation shall take effect and be in force from and after the earliest period allowed by law.

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

Passed: _____, 2024 Vote: _____

Attest: _____
 Clerk of Council President of Council

Approved: _____, 2024 Mayor

Introduced by: Michael Abernathy

Res 2024-19

6

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Utilities	Meeting Date Requested February 5, 2024
Project Name Bulk Water Fill Station	Estimated Total Funds/Costs \$65,000
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 Replace existing bulk water loading station with new station to include valves, backflow prevention, controls and cloud-based billing software. Station includes dual overhead filling lines (2" and 3") for loading large and small tanks. Billing software will be integrated with current City credit card system.	
Justification / Benefits Replace obsolete billing system with integrated system to reduce accounting time. The new station will include weatherproof structure to house new piping, valves, controls and building system. The bulk water station generated \$85,615 in sales for 2023 with 4,234,015 gallons of water pumped.	
Will this Project affect the City's Operating Costs Yes--by reducing accounting time	
What Alternatives Exist and what are the Implications of the Alternatives Alternative 1: Continue using existing system until failure. Alternative 2: Replace existing equipment with new packaged bulk water station	
Is this a Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Explain The Circumstances: Examined 3 vendors. Eliminated current vendor due to customer service and technical service problems. Reviewed proposals from 2 vendors and chose Flowpoint Environmental Systems, which was the vendor best able to meet our needs.	
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	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Mike Fritz	Date: January 30, 2024

Approved for Agenda Yes No