

**CITY COUNCIL AGENDA**

**May 6, 2024**

**7:30 p.m.**

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

- I. ROLL CALL & ORDERING OF AGENDA**
- II. APPROVAL OF MINUTES**
- III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**
- IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**
- V. COMMITTEE REPORTS; PUBLIC HEARINGS**  
Public Hearing – Re-zoning for a parcel at the southeast corner of E. Smithville-Western and Cleveland Roads
- VI. UNFINISHED BUSINESS**
  - 1. Third Reading - ORDINANCE NO. 2024-08 AN ORDINANCE AMENDING CHAPTER 160, BIDDING PROCEDURES AND CONTRACT REQUIREMENTS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY INCREASING THE AMOUNT OF THE LIMIT FOR COMPETITIVE BIDDING (Knapic)
  - 2. Third Reading - ORDINANCE NO. 2024-14 AN ORDINANCE AMENDING CHAPTER 539.04 LIQUOR PROHIBITED WITHOUT A PERMIT OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, AND ALLOWING FOR IMMEDIATE ENACTMENT (Knapic)
  - 3. Second Reading - ORDINANCE NO. 2024-15 AN ORDINANCE AMENDING PART ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO RE-ZONE LAND TO C-3 (GENERAL COMMERCIAL) FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF EAST SMITHVILLE-WESTERN AND CLEVELAND ROADS (Knapic)
  - 4. Second Reading - RESOLUTION 2024-30 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT TO PARTICIPATE IN THE ODOT COOPERATIVE PURCHASING PROGRAM, AND ALLOWING FOR IMMEDIATE ENACTMENT (Knapic)
- VII. NEW BUSINESS**
  - 1. First Reading – ORDINANCE NO. 2024-16 AN ORDINANCE AMENDING CHAPTER 133, CIVIL SERVICE RULES AND REGULATIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO AND ALLOWING FOR IMMEDIATE ENACTMENT (Knapic)
  - 2. First Reading – ORDINANCE NO. 2024-17 AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES AND ALLOWING FOR IMMEDIATE ENACTMENT (Knapic)

3. First Reading – RESOLUTION NO. 2024-31 A RESOLUTION AUTHORIZING GRANTS FOR ECONOMIC DEVELOPMENT PURPOSES AND ALLOWING FOR IMMEDIATE ENACTMENT (Abernathy)
4. First Reading - RESOLUTION NO. 2024-32 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT FOR REPAIRS TO FOUR INTERCEPTOR WELLS AND ALLOWING FOR IMMEDIATE ENACTMENT (Malta)
5. First Reading - RESOLUTION NO. 2024-33 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT FOR CLEANING TO THREE STRIPPING TOWERS AND ALLOWING FOR IMMEDIATE ENACTMENT (Malta)

**VIII. MISCELLANEOUS**

**IX. ADJOURNMENT**

ORDINANCE NO. 2024-08

AN ORDINANCE AMENDING CHAPTER 160, BIDDING PROCEDURES AND CONTRACT REQUIREMENTS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY INCREASING THE AMOUNT OF THE LIMIT FOR COMPETITIVE BIDDING

WHEREAS, the Director of Administration has recommended that the City's bidding ordinance be amended to bring it into conformity with Ohio law regarding the threshold at which municipalities are required to competitively bid certain types of contracts.

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

SECTION 1. That Chapter 160, Bidding Procedures and Contract Requirements, of the Codified Ordinances of the City of Wooster, Ohio, be amended at Section 160.03, BIDDING PROCEDURES, to read as follows:

**160.03 BIDDING PROCEDURES.**

(a) The Director of Administration, or the Wooster Community Hospital Chief Executive Officer, or their designees, may make any contract, purchase supplies or material or provide labor for any work under the supervision of various departments and divisions and agencies of the City involving not more than fifty thousand dollars (\$50,000.00).

(b) When an expenditure within the department, division, or agency, other than compensation of persons employed therein, exceeds fifty thousand dollars (\$50,000.00) but is less than seventy-five thousand dollars (\$75,000.00), such expenditure shall be authorized and directed by ordinance or resolution of Council without a requirement for bidding, or in the case of the Wooster Community Hospital, by resolution of the Board of Governors without a requirement for bidding.

(~~bc~~) When an expenditure within the department, division or agency, other than compensation of persons employed therein, exceeds ~~fifty thousand dollars (\$50,000.00)~~ **seventy-five thousand dollars (\$75,000.00)**, such expenditure shall first be authorized and directed by ordinance or resolution of Council, or in the case of the Wooster Community Hospital, by resolution of the Board of Governors. When so authorized or directed, the Director of Administration or Hospital Administrator or their designees, shall make a written contract in the name of the City with the lowest and best bidder after advertisement for not less than two, nor more than four consecutive weeks in a newspaper of general circulation within the City.

(~~ed~~) Upon the approval of an ordinance or resolution by Council, or the Board of Governors on behalf of the Hospital, the Director of Administration or Hospital Chief Executive Officer or their designees may enter into a contract without competitive bidding for any one of the following conditions:

- (1) When such purchase consists of supplies or a replacement or supplemental part or parts for a product or equipment owned by the City and the only source of supply for such supplies, part or parts is limited to a single source;
- (2) When only a single sole source **practically** exists for the purchase of a particular item of equipment, **supplies, or services. A single source exists when only one source is practically available due to an inability of other sources to meet specifications, availability requirements, time requirements, or any other restriction that makes additional sources practically unavailable to provide equipment, supplies, or services.**
- (3) When the contract is for a professional or technical service; or for the purchase of an item of specialized technology, provided that the Director of Administration or the Hospital Chief Executive Officer has first requested and reviewed proposals from qualified vendors;
- (4) When a General Services Administration (GSA) price and specification is certified to the City by the vendor, and the specification meets the needs of the City;
- (5) When the purchase is accomplished through participation in a State-sponsored cooperative purchasing program or a cooperative purchasing program sponsored by a professional organization with which the City or Hospital are affiliated;
- (6) When the purchase can be accomplished upon equivalent terms, conditions and specifications, but at a price which is equal to or lower than that which is available from a State-sponsored cooperative purchasing program;
- (7) When in the case of the Hospital, such purchases consist of medical and surgical supplies used in patient care, and food products used by the dietary department;
- (8) When the purchase is for natural gas, electric, telephone or other utility services for municipally-owned facilities.
- (9) **When the contract is for insurance pools as governed by sections 9.833 and 2744.081 of the Ohio Revised Code.**
- (910) When the contract is for services or the purchase of material, equipment or supplies from any department, division, agency, or political subdivision of the State.

(d e) In the case of a real and present emergency arising in connection with the operation and maintenance of various City departments, divisions and agencies, Council and the Board of Governors in the case of Wooster Community Hospital, may by a three-fourths vote of the members thereof, authorize the Director of Administration or Hospital Chief Executive Officer, or their designees, to enter into a contract for work to be done or for the purchase of supplies or material without formal bidding and advertising.

SECTION 2. That Chapter 160, Bidding Procedures and Contract Requirements, of the Codified Ordinances of the City of Wooster, Ohio, be amended at Section 160.062, PROCEDURES, to read as follows:

**160.062 PROCEDURES.**

Notwithstanding the provisions of Ohio R.C. 9.33, 9.331, 9.332 and 153.65 through 153.71, inclusive, and any other provisions of the Ohio Revised Code which may





538 N. Market Street \* P.O. Box 1128  
Wooster, Ohio 44691-3406



Joel Montgomery, PE, ICMA-CM  
Director of Administration  
Phone (330) 263-5244  
Fax: (330) 263-5247  
Email: jmontgomery@woosteroh.com

## MEMO

**To:** City Council  
**From:** Joel Montgomery, Director of Administration  
**CC:** Mayor, Finance Director, Law Director, Deputy Dir of Admin, City Engineer, Utility Manager, Police Chief, Fire Chief  
**Date:** 03-19-2024  
**Re:** Bid Limit Legislation

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### Bid Limit Legislation:

As part of the State of Ohio Budget passed in July 2023, the statutory competitive bidding thresholds (RC section 735.05) were increased from \$50,000 to \$75,000. As currently codified, the Ohio Revised Code authorizes any county, township, municipal corporation, library, or other political subdivision to award contracts without bidding for amounts less than \$75,000 (ORC 9.17).

In September of 2023, the Administration, in agreement with the City's divisional managers, requested that part 160.03 of the Wooster Codified Ordinances be revised to conform to the ORC language and the same law that applies to all other twtps., counties, villages and statutory cities in the state of Ohio. That ordinance, as written, was not approved. Since then, we continue to have projects that fall within the \$50,000 and \$75,000 range, but have been subject to the \$50,000 bidding threshold, and have thus resulted in delays and increased costs for what are now smaller, regular budgeted items.

The Administration and managers would like to request an increase in the bidding threshold again, and conformance to the ORC language, but with the following exceptions:

1. Remove any reference to the ORC automatic increase of 3% per year. If any future increases are needed, we would seek Council approval at that time.
2. Council authorization will still be required for all expenditures over the current \$50,000 threshold. This language would not be changed.

By making these changes, Council authorization and oversight remain the same. The only change would be the dollar amount requiring bidding. An increase from \$50,000 to \$75,000 would help make adjustments due to the significant increases in inflation and the construction cost index over the last 11 years since the threshold was last increased.

Council would still approve the budget for all expenditures, and only Council would have the authority to suspend competitive bidding requirements for specific, isolated instances.

These changes would save time and money on the bid process for smaller, regular budgeted items, and allow for responding in a timely manner to market opportunities and emergencies.

The bid threshold increase from \$50,000 to \$75,000 would not preclude the need for Council to approve the budget for all expenditures. All known capital and related contract expenditures as

small as \$10,000 are always included in section 3 of the annual appropriations budget. Due to inflation, several items and contracts that were recently under \$50,000 are now over \$50,000. Some examples include:

- The Winkler Drive Storm Sewer project is estimated at just over \$50K but under \$75K.
- Our 3-year ESRI contract for GIS software and application just increased to \$51K.
- Several equipment and supply contracts for utilities have recently exceeded \$50K but will be under \$75K. These include Core & Main for water valves, pipes, hydrants, etc, and Orrville Ready Mix for concrete for street repairs. These items sometimes need to be purchased quickly to address leaks and repairs, and associated road repairs.
- PPM Landscape Maintenance Contract is approaching \$50K
- PPM Crack Filling Contract is approaching \$50K
- Line Striping Contract (US 30 and SR 83) is approaching \$50K
- Concrete Supplies could exceed \$50K depending on needs
- Concrete Replacements can easily exceed \$50K every year, but be less than \$75K
- Tree Removals can exceed \$50K if we experience a major storm event
- A limited number of vehicles may be under \$75K, but all would be included in the budget document, and many exceed \$75K when attachments are added, and must be bid.
- The Community Center flooring project was just over \$50K, and multiple requests for quotes went unanswered.
- Depending on EMS transport call volume/revenue, this could exceed the \$50K threshold. If this happens, under the current ordinance we will have to go out to bid for the service, which will impact pricing and our administrative processes with our current vendor that are efficient and effective.
- Our current Axon police camera contract will exceed \$50K for the multi-year contract.

Most of these items are required for normal operations and are expended every year. Inflation has simply pushed them over \$50K. Other items would be delayed if bidding is needed. Bidding of small projects not only delays the project, but also requires significantly more administrative steps and costs, including advertising fees. Raising the bid limit to \$75K for these would reduce costs and delays for regular operational items.

The remaining items need a quick turnaround for emergencies, limiting the disruption of services, and safety. We always make every attempt to secure at least 3 estimates for items that are not required to be formally bid.

Please don't hesitate to contact us with any questions or for additional information.

*Joel Montgomery, PE, ICMA-CM*



ORDINANCE NO. 2024-14

AN ORDINANCE AMENDING CHAPTER 539.04 LIQUOR PROHIBITED WITHOUT A PERMIT OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, AND ALLOWING FOR IMMEDIATE ENACTMENT

WHEREAS, it is necessary to amend the current ordinances regarding use of liquor at the Freedlander Chalet to accommodate the new outdoor patio.

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

SECTION 1. That Chapter 539.04, Liquor Prohibited Without a Permit, of the Codified Ordinances of the City of Wooster, Ohio is hereby amended to read as follows:

539.04 LIQUOR PROHIBITED WITHOUT A PERMIT.

(a) No person shall possess or drink any intoxicating liquor or alcoholic beverage, including beer, or be under the influence of any intoxicating liquor or alcoholic beverage within any park or park and recreation facility except within the Freedlander Chalet **and the adjacent, designated outdoor area** with a valid permit granted by the Director of Administration or designee.

(b) The permit for the Freedlander Chalet shall allow beer, wine and other alcoholic beverages. All permit holders, in addition to complying with this section, must comply with any and all state statutes regarding the possession and consumption of alcohol. No alcoholic beverages shall be allowed outside of the Freedlander Chalet **except in the designated outdoor area.**

(c) **At all times when alcoholic beverages are present or being consumed within the designated outdoor area of the Freedlander Chalet, any and all exits leading from the designated outdoor area to undesignated outdoor areas shall be closed, except in cases of emergency.**

(~~e~~) Violations of the terms and conditions for a permit authorized under divisions (a) or (b) above, or violation of any state statute governing the possession and consumption of alcoholic beverages may result in the immediate revocation of any permit authorized herein.

(~~d~~) Whoever violates this section is guilty of a misdemeanor of the third degree.  
(Ord. 2020-32. Passed 9-8-20.)

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 Resolution is hereby declared to be necessary to the immediate preservation of the public health, peace, safety and welfare of the City, and for the further reason that prompt action is necessary to complete the acquisitions in accordance with the project schedule; 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 4-1-24 2nd reading 4-15-24 3rd reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2024

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

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

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

Approved: \_\_\_\_\_, 2024

\_\_\_\_\_  
Mayor

Introduced by: Barb Knapic

OND  
2024-14

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### Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Recreation	Meeting Date Requested 4/1/2024
Project Name Chalet liquor permits	Estimated Total Funds/Costs \$0.00
Is Full Amount Budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded?	
<b>Description of Request</b> Persons renting the Freedlander Chalet for an event have the option to obtain a permit to consume alcohol within the Chalet. With the addition of the new patio area outside the Chalet, we would like to add the patio area as a space in which alcohol consumption is permitted, while specifying alcoholic beverages may not leave that designated outdoor space.	
<b>Justification / Benefits</b> These changes would create consistent rules for the entire rental space at the Chalet.	
<b>Will this Project affect the City's Operating Costs</b> No.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> We can leave the Ordinance as-is, but it will make enforcement difficult as event attendees move from the Chalet to the patio area during events.	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons We would like to have the Ordinance in effect before the busy wedding season begins.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Ashley Hershberger	Date: 3/14/2024

Approved for Agenda  Yes  No

ORDINANCE NO. 2024-15

AN ORDINANCE AMENDING PART ELEVEN, ZONING, OF THE  
CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO,  
TO RE-ZONE LAND TO C-3 (GENERAL COMMERCIAL) FOR  
PROPERTY LOCATED ON THE SOUTHEAST CORNER OF EAST  
SMITHVILLE-WESTERN AND CLEVELAND ROADS

WHEREAS, an application has been duly filed by Alex Quay with the Planning Commission of the City of Wooster requesting the re-zoning of 0.57 acres of land known as Parcel Number 71-00269.000 from R-1 (Single-Family Residential) to C-3 (General Commercial); and

WHEREAS, at its April 4, 2024, meeting, and after a public hearing in accordance with law, the Planning Commission voted six to zero to recommend to the City Council that the proposed re-zoning of the property from R-1 (Single-Family Residential) to C-3 (General Commercial) be approved; and

WHEREAS notice of a public hearing by the City Council on this re-zoning has been duly given, and a public hearing has been held, all in accordance with law; and

WHEREAS, this City Council deems that the proposed zoning designation for the land should be approved.

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

SECTION 1. That Part Eleven, Planning and Zoning Code, of the Codified Ordinances of the City of Wooster, known as the Zoning Ordinance, is amended so as to re-zone land, 0.57 acres of land known as Parcel Number 71-00269.000 from R-1 (Single-Family Residential) to C-3 (General Commercial); and as appears on the attached map.

SECTION 2. The Planning Division is directed to change the official zoning map to conform to the above-described amendment.

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 the law.

SECTION 4. This Ordinance shall take effect and be in full force from and after the earliest date allowed by law.

1st reading 4-15-24 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2024 Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2024  
Mayor

Introduced by: Barb Knapic

Ord  
2024-15

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### Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

<b>Division</b> Planning and Zoning	<b>Meeting Date Requested</b> May 6, 2024
<b>Project Name</b> Map Amendment - PC-24-04	<b>Estimated Total Funds/Costs</b> NA
<b>Is Full Amount Budgeted?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
<b>If No, How is the Purchase to be Funded?</b>	
<b>Description of Request</b> Applicant requesting a zoning map amendment from R-1 (Suburban Single-Family) to C-3 (General Commercial) of .57 acres bounded on the north by E. Smithville Western Road and Young Drive on the south, east of Cleveland Road.  The Planning Commission held a public hearing on application PC-24-04 on April 4, 2024 and voted 6-0 to recommend approval for a C-3 zoning classification to City Council.  A public hearing in front of City Council to be scheduled for May 6, 2024.	
<b>Justification / Benefits</b> Planning Commission members voted 6-0 to recommend approval to amending the zoning from R-1 to C-3 on approximately .57 acres bounded on the north by E. Smithville Western Road and Young Drive on the south, east of Cleveland Road.	
<b>Will this Project affect the City's Operating Costs</b> No.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> If no action is taken to establish zoning, the zoning classification will remain R-1 (Single-Family Residential).	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Note Reasons	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Vince Marion	<b>Date:</b> April 5, 2024

Approved for Agenda  Yes  No



**PLANNING COMMISSION  
APPLICATION INFORMATION SHEET**

**Application Number**

PC-24-4

**Scheduled Meeting Date**

April 4, 2024

**Application Type**

Zoning Amendment - Map

**Property Location**

4775 CLEVELAND RD

**Property Information**

Acreage: 1.3

Zoning: C-3

**Property Owner**

Campbell Oil Company

**Applicant**

Alex Quay

**Applicant's Project Description**

Campbell Oil Company plans to redevelop the property to replace the existing Dairy Queen location with a newly constructed Dairy Queen.

**Agenda Text**

Alex Quay, on behalf of the property owner, requesting an approval recommendation from the Planning Commission to City Council for a Zoning Map Amendment to change approximately .57 acres bounded on the north by E. Smithville Western Road and &nbsp;Young Drive on the south, east of Cleveland Road from R-1 (Single-Family Residential) Zoning District to C-3 (General Commercial) Zoning District. (Former parcels 71-00281.000, 1967 E Smithville Western Rd. and 71-00272.000).

**PC-24-04**

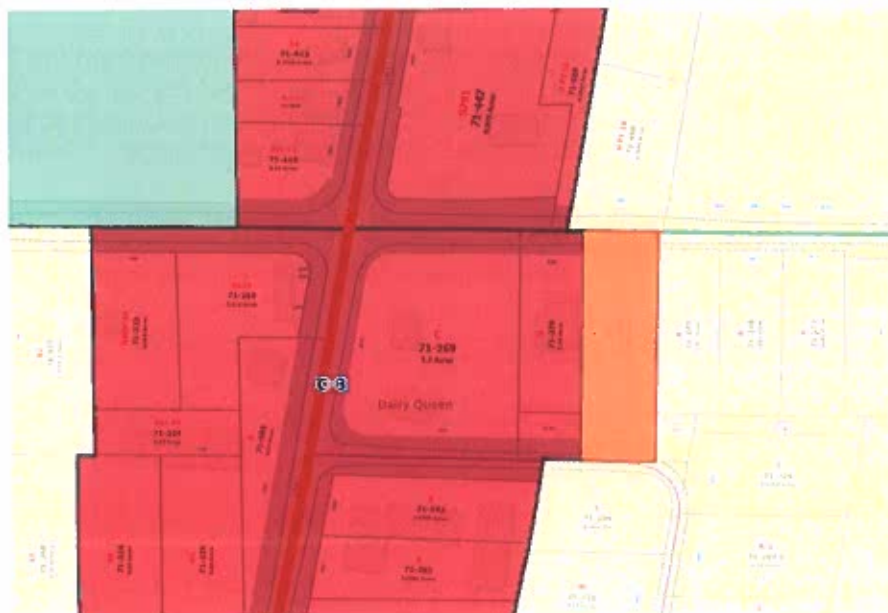
**Zoning Map Amendment of approximately .57 acres bounded on the north by E. Smithville Western Road and Young Drive on the south, east of Cleveland Road. (Former parcels 71-00281.000, 1967 E Smithville Western Rd. and 71-00272.000).**

- Property Owner: Campbell Oil Company
- Applicant: Alex Quay, representing owner
- Location: South side of East Smithville Western Road and north of Young Drive, east of Cleveland Road. (Former parcels 71-00281.000, 1967 E Smithville Western Rd. and 71-00272.000).
- Existing Zoning: R-1 (Suburban Single-family Residential)
- Proposed Zoning: C-3 (General Commercial District)
- Request: An approval recommendation from the Planning Commission to City Council for a Zoning Map Amendment to change the zoning from R-1 to C-3.

**LOCATION AND SURROUNDING USES**

The proposed site consists of approximately .57 acres located on the south side of East Smithville Western Road and north of Young Drive, east of Cleveland Road. Adjacent properties include the following zoning classifications:

<ul style="list-style-type: none"> <li>• North – Residential ( R-1, Suburban, Single-Family)</li> </ul>	<ul style="list-style-type: none"> <li>• East – Residential ( R-1, Suburban, Single-Family)</li> </ul>
<ul style="list-style-type: none"> <li>• South – Undeveloped (R-1, Suburban, Single-Family)</li> </ul>	<ul style="list-style-type: none"> <li>• West – Commercial (C-3, General Commercial)</li> </ul>





**PROPOSED APPLICATION/BACKGROUND**

The applicant is requesting that the above location(s) be rezoned from R-1 to C-3. The Campbell Oil Company recently acquired the property, along with the contiguous parcels to the west extending to Cleveland Road. The parcels have been replated and is pending recording. The applicant states that the intent is to remove the existing structures and rebuild a new Dairy Queen restaurant.

**ZONING DISTRICT INTENT**

The R-1 District is established as follows, per Section 1107.05(b) (9) (A):

The R-1 Suburban Single-Family Residential District is established to encourage the creation and preservation of low-density single-family residential neighborhoods and to limit the establishment of nonresidential uses to those that are compatible with the intended low-density neighborhood character. The stipulated density is intended to provide for areas of suburban character in the community. Suburban areas are typically located at the outer periphery of the city and are characterized by curvilinear streets, cul-de-sacs, and attached garages.

The C-3 District is established as follows, per Section 1107.05(e) (4) (C.):

The C-3 General Commercial District is established to accommodate a broad range of commercial services and activities in locations adequately served by major streets and other facilities and to provide a wide range of goods and services to a large consumer population from the larger regional area.

**PERMITTED USES AND STANDARDS**

**Uses**

Table 1109-1 includes a list of all principal uses of Permitted (P), Permitted with Standards (PS), Conditional (C), and Prohibited (X or not included in the table) in all zoning districts. An abbreviated Table 1109-1 has been included indicating uses in the R-1 and C-3 zoning districts.

TABLE 1109-1: PERMITTED PRINCIPAL USES			
P = Permitted	PS = Permitted with Standards	C = Conditional Use	X = Prohibited
Use Type	2	3	
<b>Agricultural Uses</b>			
Agriculture (Raising of Crops)	P	P	
Agriculture (Livestock)	X	X	
Community Gardens	PS	PS	
Greenhouses and Nurseries	X	X	
<b>Residential Uses</b>			
Cluster Residential Development	PS	X	
Convent, Monastery, or Other Housing for Places of Worship	X	X	
Dormitories	X	X	
Dwellings, Multi-Family	X	C	
Dwellings, Single-Family Attached	X	X	
Dwellings, Single-Family Detached	P	X	
Dwellings, Two-Family	X	X	
Dwellings, Two-Family Conversion from a Single-Family Dwelling	X	X	

TABLE 1109-1: PERMITTED PRINCIPAL USES			
P = Permitted	PS = Permitted with Standards	C = Conditional Use	X = Prohibited
Use Type	1	2	
Fraternities and Sororities	X	X	
Group Homes or Residential Facilities	See Section 1109.03(c)(6).		
Manufactured Home	X	X	
Mobile Home	X	X	
Skilled Nursing or Personal Care Facilities	X	PS	
Transitional Housing	X	C	
<b>Commercial and Offices Uses</b>			
Adult Uses	X	X	
Agriculture/Farm Supplies and Sales	X	X	
Animal Day Care/Animal Grooming	X	P	
Assembly Halls, Membership Clubs, and Conference Centers	X	PS	
Automated Teller Machine (Stand-Alone)	X	C	
Automotive Fuel Sales	X	P	
Automotive Repair (Heavy)	X	C	
Automotive Sales and Leasing	X	C	
Automotive Service Station and Parts Sales	X	PS	
Bars and Taverns	X	P	
Bed and Breakfast Establishments	X	X	
Business and Professional Offices	X	P	
Business Service Establishments	X	P	
Campgrounds	X	X	
Financial Institutions	X	P	
Funeral Homes and Mortuaries	X	P	
Hotels or Motels	X	P	
Kennels/Animal Boarding	X	PS	
Live/Work Units	X	PS	
Medical or Dental Clinics/Offices and 24- Hour Urgent Care	X	P	
Medical Marijuana Dispensaries	X	C	
Microbrewery, Microdistillery, or Microwinery	X	P	
Mixed Use Building (with Residential Uses)	X	P	
Mobile Home, Commercial Truck, and Recreational Vehicle Sales, Leasing, Service, or Storage	X	X	
Parking Garages	X	X	
Parking Lots (Principal Use)	X	X	
Personal Service Establishments	X	P	
Recreation Facilities	X	C	
Restaurants	X	P	
Retail Commercial Uses	X	P	
Service Commercial Uses	X	P	
Theaters	X	PS	
Vehicle Washing Establishment	X	PS	
Veterinarian Offices/Animal Hospital	X	P	
<b>Industrial Uses</b>			
Bulk Storage of Liquids or Grain	X	X	
Contractor Offices	X	X	
Crematorium	X	X	
Data Center	X	X	
Machinery and Heavy Equipment Sales, Leasing, and Storage	X	X	
Manufacturing and Production (Heavy or Outdoors)	X	X	
Manufacturing and Production (Indoors)	X	X	

TABLE 1109-1: PERMITTED PRINCIPAL USES			
P = Permitted	PS = Permitted with Standards	C = Conditional Use	X = Prohibited
Use Type	R1	3	
Medical Marijuana Testing and Processing	X	X	
Outdoor Storage and Bulk Sales	X	X	
Printing and Publishing	X	X	
Radio and Television Stations	X	X	
Recycling Collection/Processing Facilities	X	X	
Research and Development Facilities	X	X	
Self-Storage Facilities	X	X	
Soil and Mineral Extraction Activities	X	X	
Warehouses	X	X	
Wholesale Sales and Distribution Centers (Indoors)	X	X	
Wholesale Sales and Distribution Centers (Outdoors)	X	X	
<b>Public and Institutional Uses</b>			
Active Recreational Uses	C	P	
Cemeteries	C	X	
Colleges and Higher Educational Institutions	X	C	
Community Recreation Facility	C	X	
Cultural Facilities and Structures	C	PS	
Educational Institutions (K-12)	C	P	
Essential Services	Exempt per Section 1101.05(b).		
Government Facilities	C	P	
Government Offices	C	P	
Hospitals	X	C	
Nursery Schools or Day Care Centers (Children or Adults)	C	P	
Passive Parks, Open Space, and Natural Areas	P	P	
Places of Worship	C	PS	
Utility Facilities and Buildings	C	P	
Wireless Telecommunication Facilities	See Section 1109.03(f)(10).		

**Planning Considerations**

The contiguous land to the west is zoned C-3. The property is bordered on the north and south by public right-of-way. East Smithville Western is to the north, and Young Drive to the south. Cleveland Road borders the total site to the west. The request is to expand the existing C-3 zoning ninety (90) feet to the east.

For informational purposes, a new Dairy Queen is planned for the site. Because this site is contiguous to a residential zoning district, any future development plan will require review by the Planning Commission. The site will be required to meet the current zoning code's buffering, landscaping, and setbacks.

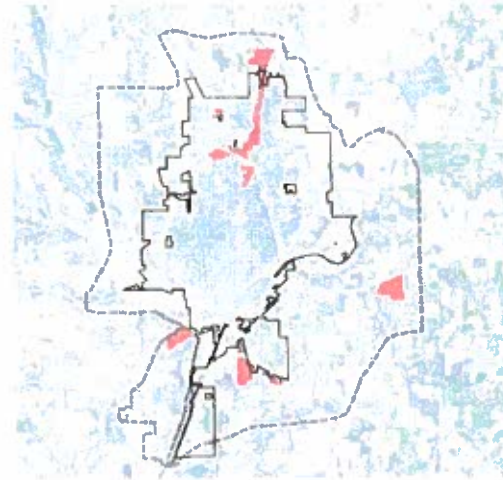
## COMPREHENSIVE PLAN (2023)

### Local Commercial

#### Description

Local Commercial is characterized by small-scale retail, light industrial, neighborhood services, and office uses that complement and support nearby residential uses.

- **DEVELOPMENT CHARACTER** should have a distinct presence from the street and be highly attractive. Buildings should face the street with windows looking onto the street.
- **DEVELOPMENT INTENSITY** in this area should be high scale, with individual buildings being no greater than 10,000-15,000 square feet and allow for mix uses, integrated vertically and horizontally.
- **OPEN SPACE** should be used to define and add character to a development. Ornamental landscaping within the setback, within parking lots, and along buildings is encouraged.
- **CONNECTIVITY** should incorporate “complete street” principles so it is safe and efficient for all modes of travel. Streetscape elements should be cohesive and enhance the public realm. Cross-access drives are encouraged between developments to reduce curb-cuts on major roadways.



#### Development Character

<b>Height</b>	1-3 stories
<b>Front Setback</b>	0-30 ft.
<b>Parking</b>	Rear or side of building, screen from street/neighborhood uses
<b>Recommended Development Intensity</b>	Individual buildings less than 10,000-15,000 sf/acre
<b>Recommended Uses</b>	<ul style="list-style-type: none"> <li>• Retail</li> <li>• Light Industrial</li> <li>• Office</li> </ul>

### REVIEW CRITERIA

Recommendations and decisions on zoning map amendment applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

- The proposed amendment is consistent with the comprehensive plan, other adopted City plans, and the stated purposes of this code;
- The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;
- The proposed amendment will promote public health, safety, and general welfare;
- The uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity;
- The proposed amendment follows lot lines or the centerlines of streets, railroads, or other rights-of-way;
- Adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified;

- G. The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated;
- H. The proposed amendment will not constitute an instance where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances;
- I. The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract; and
- J. The proposed amendment would correct an error in the application of this Planning and Zoning Code as applied to the subject property.

**PLANNING AND ZONING DIVISION STAFF RECOMMENDATION**

Staff supports recommending approval of application PC-24-04 to amend the zoning of property on the south side of East Smithville Western Road and north of Young Drive, east of Cleveland Road. (Former parcels 71-00281.000, 1967 E Smithville Western Rd. and 71-00272.000).

The staff's recommendation is based on the appropriateness of the proposed zoning classification for the property in relation to the subject review criteria. It does not consider any specific use or plan for the site. It is the staff's assessment that:

- The application is consistent with the objectives of the C-3 zoning district, as it is located on the south side of East Smithville Western Road just east of Cleveland Road.
- The north and south are bounded by public right-of-way, and buffering and screening will apply to any future development.
- The proposal is supported by the 2023 Comprehensive Plan as a local commercial project.
- Utilities are available to serve the development.
- The Development Plan review process would sufficiently address impacts of development in the C-3 zoning district.



## **CITY OF WOOSTER**

*Planning and Zoning Division*

538 North Market Street Wooster, OH 44691

Phone: 330-263-5238

March 20, 2024

Dear Property Owner,

You are receiving this notice because you are an owner of property within 200 ft. of an application submitted to the City of Wooster Planning Commission. The Commission will hold a public hearing at their next regular meeting regarding the application described below at 6:30 p.m. on April 4, 2024. The meeting will be held at City Hall, 1<sup>st</sup> floor Council Chambers, 538 North Market Street, Wooster, Ohio.

**PC-24-04 - Alex Quay, on behalf of the property owner, requesting an approval recommendation from the Planning Commission to City Council for a Zoning Map Amendment to change approximately .57 acres bounded on the north by E. Smithville Western Road and Young Drive on the south, east of Cleveland Road from R-1 (Single-Family Residential) Zoning District to C-3 (General Commercial) Zoning District. (Former parcels 71-00281.000, 1967 E Smithville Western Rd. and 71-00272.000).**

All interested parties are welcome to attend and will be given the opportunity to address the Commission during the public hearing portion of the meeting and submit evidence and written comments with respect to the application.

For further information, to submit written comments prior to the meeting, please contact:

City of Wooster, Planning and Zoning Division  
538 North Market Street, Wooster, Ohio  
vmarion@woosteroh.com  
(330) 263-5238





<u>Parcel</u>	<u>Owner</u>	<u>Address</u>	<u>City</u>
71-00310.000	BOWDEN DAVID N & MARIANNE G	4650 YOUNG DR	WOOSTER OHIO 44691
71-00269.000	CAMPBELL OIL COMPANY	7977 HILLS AND DALES RD NE	MASSILLON OHIO 5242
71-00307.001	COLUMBO WILLIAM FRANK JR & TRACY A S/T	4667 YOUNG DR	WOOSTER OHIO 44691
71-00305.000	GARRETT STEVEN R	4701 YOUNG DR	WOOSTER OH 44691
71-00280.000	GREEN CHRISTOPHER F TRUSTEE	1097 GREENSVIEW DR	WOOSTER OH 44691
71-00283.000	GREENBACK PROPERTIES LTD	1097 GREENSVIEW DR	WOOSTER OH 44691
71-00278.000	KELLY LISA M & KENNETH L S/T	2001 E SMITHVILLE WESTERN RD	WOOSTER OHIO 44691
71-00277.000	MATZ RACHELLE L	2011 E SMITHVILLE WESTERN RD	WOOSTER OH 44691
71-00450.000	METZ DAVID L	2870 GREENHORN CT	COOL CA 95614
71-00447.000	RESIDENTIAL CONSTRUCTION SPECIALISTS INC	4821 CLEVELAND RD	WOOSTER OH 44691
71-00500.000	SALEM EVANGELICAL LUTHERAN CHURCH TRUSTEES	4873 CLEVELAND RD	WOOSTER OH 44691
71-00451.000	WILLIAMS JAMES ROBERT & THOMAS D	2233 WERTLAWN DR	KETTERING OHIO 45440



## **CITY OF WOOSTER**

*Planning and Zoning Division*

538 North Market Street Wooster, OH 44691

Phone: 330-263-5235 Fax: 330-263-5274

March 21, 2024

### **DAILY RECORD**

**PLEASE PUBLISH March 24, 2024**

---

The City of Wooster will hold regular meetings of the Planning Commission and Board of Building and Zoning Appeals on Thursday, April 4, 2024. The meetings will be held at City Hall, 1<sup>st</sup> floor Council Chambers, 538 North Market Street, Wooster, Ohio.

The Planning Commission will hold public hearings for the following applications at their meeting, which will begin at 6:30 pm: PC-24-4 Alex Quay, on behalf of the property owner, requesting an approval recommendation from the Planning Commission to City Council for a Zoning Map Amendment to change approximately .57 acres bounded on the north by East Smithville Western Road and Young Drive on the south, east of Cleveland Road from R-1 (Single-Family Residential) zoning district to C-3 (General Commercial) zoning district. (Former parcels 71-00281.000, 1967 East Smithville Western Road, and 71-00272.000).

The Board of Building and Zoning Appeals will hold public hearings for the following applications at their meeting, which will begin at 7:30 pm: BZA-24-6 J. Douglas Drushal requesting a Use Variance from Planning and Zoning Code Section 1109.02(d) to allow a multi-family dwelling in an R-T (Traditional Residential) zoning district at 231 Mulberry Street with parcel number 64-00483.000.

All interested parties are welcome to attend and will be given the opportunity to address the Commission and Board during the public hearing portion of the meetings and submit evidence and written comments with respect to the applications. Special auxiliary aids for disabled persons are available upon request, with at least five days' notice prior to the meeting. For further information, to submit written comments before the meeting, or to request special auxiliary aids, please contact Vincent Marion, Planning and Zoning Manager, at [vmarion@woosteroh.com](mailto:vmarion@woosteroh.com), (330) 263-5238 or 538 North Market Street, Wooster, Ohio.

# UCBR ALLOTMENT #1

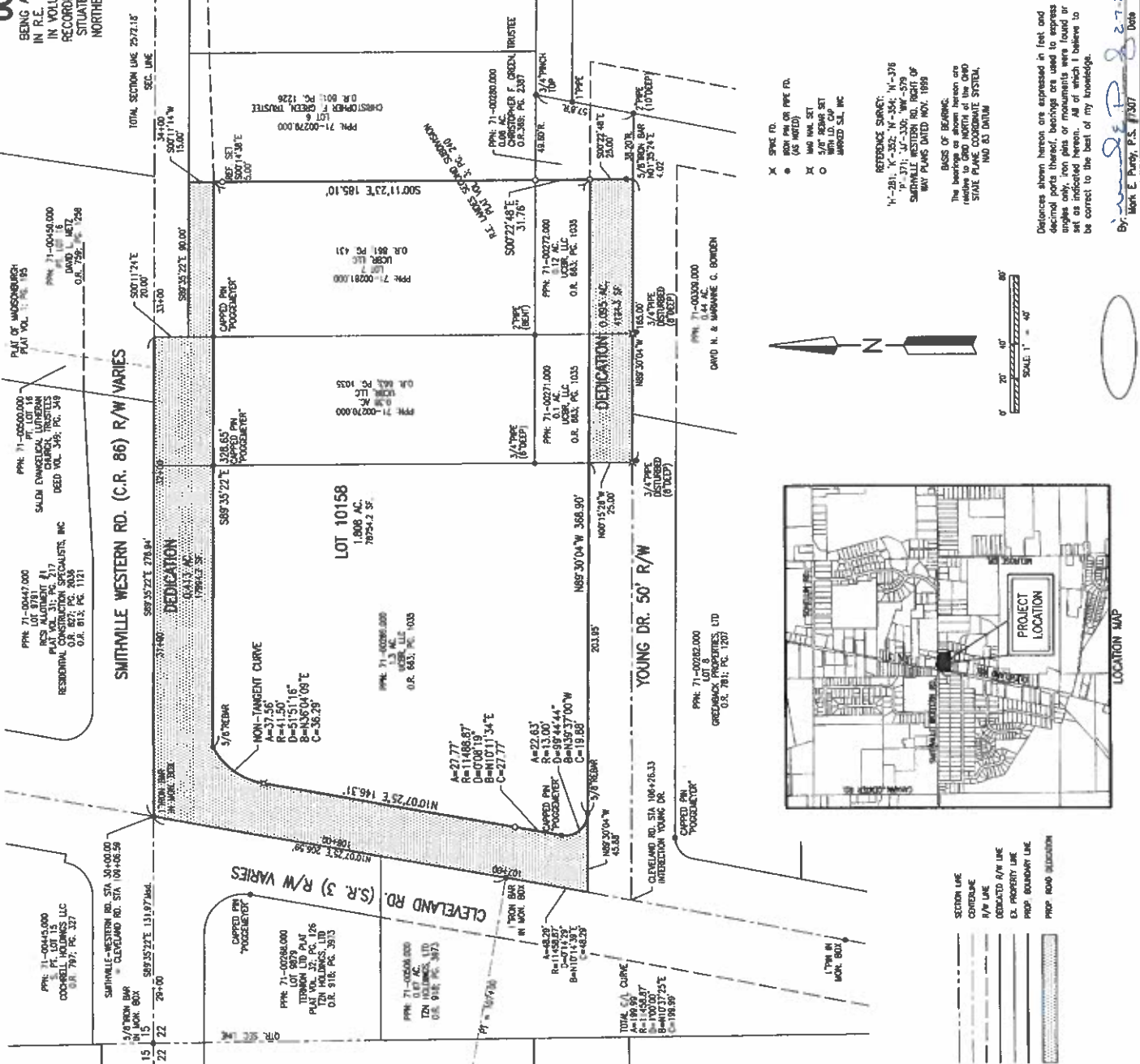
BEING A REPLATING AND RE numbering OF LOT 7 IN R.E. LANDS SECOND SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 240 OF WAYNE COUNTY PLAT RECORDERS AND A PLATING ON UNPLATED LANDS SITUATED IN CITY OF WOOSTER, T-16N - R-13W, NORTH EAST QUARTER OF SECTION 22, COUNTY OF WAYNE, STATE OF OHIO

Sheet 220

SMITHVILLE WESTERN RD. (C.R. 86) R/W VARIES

YOUNG DR. 50' R/W

CLEVELAND RD. (S.R. 3) R/W VARIES



NOTE: SIGN ONLY IN BLACK INK. PRINT NAME BELOW ALL SIGNATURES.

Known by us then present, that we, the undersigned owners of land shown on this plat, have caused the same to be surveyed and platted as shown and do hereby acknowledge it to be our own free act and deed.

We do hereby dedicate certain portions of said land shown as street or public ways to public use forever and do hereby acknowledge this to be our own free act and deed.

All development wide or site specific permanent stormwater control measures shall be the responsibility of the owner(s) pertaining to general upkeep, routine and non-routine maintenance, performing required inspections and annual reporting requirements.

Witness our hands this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

OWNERS:

(Print) \_\_\_\_\_ (Print)

STATE OF OHIO SS:

COUNTY OF WAYNE

Before me, a Notary Public, in and for said county and state, personally appeared the above named Owners, who acknowledged that they did sign the foregoing plat and that the same was their own free act and deed.

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public \_\_\_\_\_ My Commission Expires \_\_\_\_\_

Approved: this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

Approved: this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

Approved for Recording: this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

Witness our hands this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

Witness our hands this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

AUTHOR:	
REORDER:	
TOTAL:	

DATE \_\_\_\_\_ AT \_\_\_\_\_

INSTRUMENT # \_\_\_\_\_

PLAT VOL. \_\_\_\_\_ PAGE \_\_\_\_\_

REC. # \_\_\_\_\_

Filed for record in Wayne Co., Ohio

JANE CARMOCHAL, RECORDER



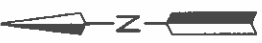
SHAFFER, JOHNSTON, LICHTENWALTER & ASSOCIATES, INC.  
 Consulting Engineers & Surveyors  
 3477 Commerce Parkway, Suite C  
 Wooster, Ohio 44691  
 Tel. (330) 264-4377 Fax (330) 264-2725 Email: office@seinc.com

Distances shown hereon are expressed in feet and decimal parts thereof, bearings are used to express angles only, iron pins or monuments were found or set as indicated hereon. All of which I believe to be correct to the best of my knowledge.

By: Mark E. Purdy, P.E. 1/3/07 Date: 2-7-24



- SECTION LINE
- CONTRAIL
- R/W LINE
- DEDICATED R/W LINE
- EX. PROPERTY LINE
- PROP. BOUNDARY LINE
- PROP. ROAD ALIGNMENT



REFERENCE SURVEY:  
 1-281, 1-302, 1-304, 1-376  
 1-371, 1-372, 1-373, 1-374, 1-375  
 SUBDIVISION SURVEY, RECORD OF  
 MAY PLANS DATED NOV. 1893

BEARS OF BEARING:  
 The bearings of all lines hereon are to  
 the nearest second and are based on the  
 STATE PLANE COORDINATE SYSTEM,  
 NAD 83 DATUM

- X SINE TO. OR PIPE TO.
- o AS NOTED
- X NO. 100 SET
- o 5/8" SERR SET
- o WITH I.D. CAP
- o UNRECD. S.L. INC.



J. Alex Quay, Esq.  
aquay@bdbl.com • d: 330.258.6453

March 7, 2024

Attn: Vince Marion – Planning & Zoning Manager  
City of Wooster Planning Division  
538 N. Market Street  
Wooster, OH 44691

Re: Campbell Oil Company – Application for Zoning Map Amendment  
PPN: 71-00269.000; Lot No. 10158 – UCBR Allotment #1

Mr. Marion:

On behalf of my firm's client, Campbell Oil Company ("Campbell"), please allow this letter to serve as a summary of Campbell's application for an amendment to the City of Wooster's Zoning Map related to Parcel No. 71-00269.000, known as Lot No. 10158 of the platted UCBR Allotment #1, comprising 1.808 acres, as conveyed by Warranty Deed recorded on March 5, 2024, as Instrument No. 202400001926, in the Wayne County Recorder's Office (the "Subject Property"). A copy of the Warranty Deed is enclosed herewith.

Campbell is the current owner of the Subject Property as evidenced by the above-referenced Warranty Deed. Pursuant to Code Section 1105.02(a), Buckingham, Doolittle & Burroughs, LLC has been authorized by Campbell's Director of Construction, JP Phillips, to submit this application on their behalf. If you need any additional documentation evidencing my firm's representation of Campbell, please let me know. Payment of the \$150 application fee will be delivered electronically via the OpenGov web portal.

The Subject Property was previously comprised of five parcels (Parcel Nos. 71-00269.000, 71-00270.000, 71-00281.000, 71-00271.000, and 71-00272.000), recently consolidated into Parcel No. 71-00269.000. Presently, a portion of the Subject Property (prior Parcel Nos. 71-00269.000, 71-00270.000, and 71-00271.000) are zoned within a C-3 Community Commercial District, with the remaining portion (prior Parcel Nos. 71-00281.000 and 71-00272.000) zoned within an R-1 Suburban Single-Family Residential District.

The proposed amendment seeks to have the existing R-1 portion of the Subject Property re-zoned as C-3, to accommodate Campbell and its subsidiary, Bell Stores, Incorporated's, planned redevelopment and expansion of the existing Dairy Queen, located at 4771 Cleveland Road, Wooster, OH 44691, in accordance with the City of Wooster's Planning & Zoning Code. The proposed amendment satisfies the criteria set forth in Code Section 1105.03(e).

If you have any questions or concerns regarding this application or the materials submitted in support, please do not hesitate to contact myself at the information above, or

Mitchell Kolesar by phone at (330) 491-5237, or by email at [mkolesar@bdblaw.com](mailto:mkolesar@bdblaw.com). We look forward to working with you on this project.

Very truly yours,

*J. Alex Quay*

J. Alex Quay, Esq.  
Buckingham, Doolittle & Burroughs, LLC

Enclosures

cc: JP Phillips, Campbell Oil Company  
Dustin J. Vrabel, Esq., Buckingham, Doolittle & Burroughs, LLC  
Mitchell Kolesar, Esq., Buckingham, Doolittle & Burroughs, LLC

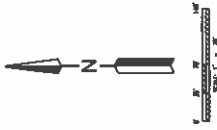


See attached for copy of the Zoning Map - Proposed  
Map Amendment.



See attached for copy of the Topography Map.

PROJECT LOCATION  
 CITY OF WOOSTER  
 T-16N ; R-13W  
 N.E. QTR. OF SEC. 22  
 COUNTY OF WAYNE  
 STATE OF OHIO



DATE	
REVISION NO.	

SHAFFER, JOHNSON, LICHTENWALTER  
 & ASSOCIATES, INC.  
 Civil Engineers, Surveyors  
 2000 Smithville Road, Suite 100  
 Wooster, Ohio 44691  
 Tel: 330-264-2277 Fax: 330-264-2277 Email: sjl@sjl.com

**Aerial Site Plan**  
 Young Dr. Cleveland &  
 Smithville Western Rds.  
 Wooster, Ohio

DATE: 08-20-2014  
 DRAWN BY: J.L.P.  
 CHECKED BY: J.L.P.  
 SHEET: 1 OF 2

See attached for copy of the unrecorded Plat in connection with the subject property.

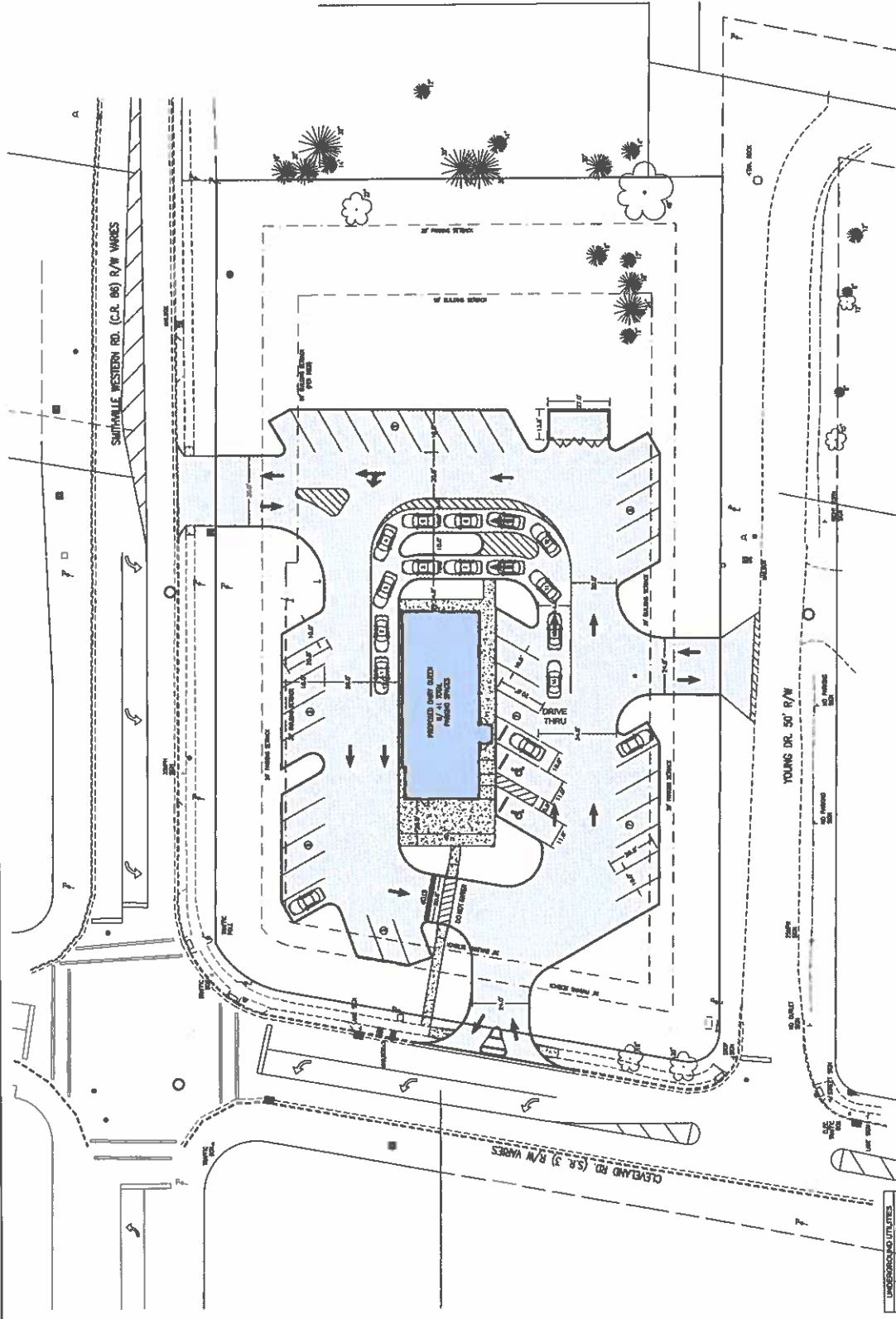
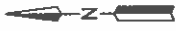






See attached for copy of the Preliminary Site Plan for the subject property.

1" = 40' (VERTICAL)  
 1" = 100' (HORIZONTAL)  
 1" = 100' (SCALE)  
 1" = 100' (SCALE)



<b>SHAFER, JOHNSTON, LEUTENWALTER &amp; ASSOCIATES, INC.</b> Consulting Engineers & Architects 10000 Sandusky Road, Sandusky, OH 44870 Phone: (419) 283-2700 Fax: (419) 283-2705	
<b>SITE PLAN</b> Dairy Queen 4771 Cleveland Ave. Wooster, OH 44691	
PRELIMINARY CONSULTING	
SHEET NO. 1 DATE:	SHEET 2 OF 3

UNDERGROUND UTILITIES  
 Engineering and Construction  
 10000 Sandusky Road, Sandusky, OH 44870  
 Phone: (419) 283-2700 Fax: (419) 283-2705

The location of the underground utilities shown on this plan is based on the records of the utility companies and is not a guarantee of the location of the utilities. The utility companies are not responsible for the accuracy of the information shown on this plan. The utility companies are not responsible for the accuracy of the information shown on this plan. The utility companies are not responsible for the accuracy of the information shown on this plan.

See attached for copy of the Recorded Deed for the subject property.

WAYNE COUNTY TAX MAP

Initials LOP FILE# 2024-595  
DATE 3/4/2024  
IDENT. WC 220 LOT 10158

This Conveyance has been examined and the  
Grantor has complied with Section 319.202  
Of the Revised Code.  
FEE \$ 2,800.00  
EXEMPT \_\_\_\_\_

Russell Robertson, County Auditor



202400001926 03/05/2024 11:07 AM  
Filed for Record in WAYNE County, Ohio  
Jane Carmichael Rec Fees: \$50.00  
DEED OR Vol 961 Pgs 3501 - 3504

AMT. PD 50¢ DATE 3/5/24  
Russell Robertson, AUDITOR  
Joanna Hatten DEPUTY  
Joanna Hatten

CRITCHFIELD LAW FIRM  
PICK UP

Inst #202400001926

DO NOT WRITE ABOVE THIS LINE

**GENERAL WARRANTY DEED**

(ORC Sections 5302.05 and 5302.06)

UCBR, LLC, an Ohio limited liability company ("Grantor") grants, with general warranty covenants, to **Campbell Oil Company**, an Ohio corporation ("Grantee"), whose tax mailing address is 7977 Hills & Dales Rd., NE, Massillon, OH 44646, the following real property (the "Property"):

**SEE LEGAL DESCRIPTION ATTACHED HERETO AS  
EXHIBIT A AND INCORPORATED HEREIN BY THIS  
REFERENCE.**

Wayne County Permanent Parcel Nos.: 71-00269 000

Prior Instrument Reference: Volume 663, Page 1035 and Volume 861, Page 431 of the Official Records of Wayne County, Ohio.

The Property is conveyed subject to the following exceptions: (1) real estate taxes and assessments, both general and special, which are a lien but not yet due and payable; (2) all legal highways; (3) all applicable zoning and building codes; and (4) reservations, restrictions, and conditions of record set forth in **Exhibit B** attached hereto and made a part hereof.

(Signature page follows)





202400001926  
BK 961 PG 3503

**EXHIBIT A**

**Legal Description**

Situated in the City of Wooster, County of Wayne, and State of Ohio:

And being known as **Lot Number 10158** in the UCBR Allotment #1 as shown on the Plat Recorded at Volume 34, Page 50, in Wayne County Plat Records.

**Permanent Parcel Number:** 71-00269.000

**Prior Deed References:** Volume 663, Page 1035 and Volume 861, Page 431 of the Official Records of Wayne County, Ohio.



202400001926  
BK 961 PG 3504

## **EXHIBIT B**

### **Permitted Exceptions**

1. Electric Line Easement to Ohio Power Company, an Ohio corporation recorded at Volume 639, Page 893 of the Official Records of Wayne County, Ohio.
2. Cable Easement to United Telephone Company of Ohio, dba Embarq recorded at Volume 642, Page 1060 of the Official Records of Wayne County, Ohio.
3. Easement for Highway Purposes to City of Wooster recorded at Volume 266, Page 179 of the Official Records of Wayne County, Ohio.
4. Easement for Highway Purposes to City of Wooster recorded at Volume 266, Page 181 of the Official Records of Wayne County, Ohio.
5. Electric Line Easement to Central Ohio Light & Power Company recorded at Volume 71, Page 515 of the Lease Records of Wayne County, Ohio.
6. Easement for Highway Purposes to City of Wooster recorded at Volume 266, Page 185 of the Official Records of Wayne County, Ohio.
7. Easement for Highway Purposes to City of Wooster recorded at Volume 266, Page 187 of the Official Records of Wayne County, Ohio.
8. Right of Way and Easement to Ohio Power Company, an Ohio corporation recorded at Volume 639, Page 897 of the Official Records of Wayne County, Ohio.
9. Cable Easement to United Telephone Company of Ohio, dba Embarq recorded at Volume 640, Page 2191 of the Official Records of Wayne County, Ohio.
10. Subject to conditions shown in the Warranty Deed recorded in Volume 700, Page 707, Official Records of Wayne County, Ohio.
11. Right of Way Permit to Ohio Central Telephone recorded at Volume 69, Page 281 of the Lease Records of Wayne County, Ohio.



**CITY OF WOOSTER**  
**Planning and Zoning Division**  
538 North Market Street Wooster, OH 44691  
Phone: 330-263-5238

April 5, 2024

Dear Alex Quay,

At the April 4, 2024 meeting of the City of Wooster Planning Commission, a motion was made to recommend approval of application PC-24-4, Alex Quay, on behalf of the property owner, requesting an approval recommendation from the Planning Commission to City Council for a Zoning Map Amendment to change approximately .57 acres bounded on the north by E. Smithville Western Road and Young Drive on the south, east of Cleveland Road from R-1 (Single-Family Residential) Zoning District to C-3 (General Commercial) Zoning District. (Former parcels 71-00281.000, 1967 E Smithville Western Rd. and 71-00272.000), to City Council.

The motion received the necessary votes and the application will be forwarded to City Council with a recommendation of approval from the Planning Commission.

Please feel free to contact me at (330) 263-5238 or [vmarion@woosteroh.com](mailto:vmarion@woosteroh.com) if you have any questions or need any further information.

Sincerely,

A handwritten signature in blue ink that reads "Vince A. Marion". The signature is fluid and cursive.

Vince Marion  
Planning and Zoning Manager





**WOOSTER CITY COUNCIL**  
538 N. Market Street \* P.O. Box 1128  
Wooster, Ohio 44691-7082  
Phone 330-263-5200 \* [www.woosteroh.com](http://www.woosteroh.com)

April 9, 2024

Dear Property Owner:

Wooster City Council will hold a public hearing on a request by Alex Quay, on behalf of the property owner, to amend the zoning map from R-1 (Suburban Single-Family) to C-3 (General Commercial) for 0.57 acres bounded on the north by E. Smithville Western Road and Young Drive on the south, east of Cleveland Road.

The hearing will be held on Monday, May 6, 2024, at 7:30 p.m., at City Hall in Council Chambers at 538 North Market Street, Wooster, Ohio. All interested parties are welcome to attend and will be given the opportunity to be heard by City Council and submit evidence and written comments with respect to the proposed amendment.

Special auxiliary aids for handicapped persons are available upon request with appropriate notice. For further information, to submit written comments before the meeting, or to request special auxiliary aids, contact the Clerk of Council at (330) 263-5242 or at [ahamilton@woosteroh.com](mailto:ahamilton@woosteroh.com).

Amy Hamilton  
Clerk of Council

## RESOLUTION 2024-30

### A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT TO PARTICIPATE IN THE ODOT COOPERATIVE PURCHASING PROGRAM, AND ALLOWING FOR IMMEDIATE ENACTMENT

**WHEREAS**, the City of Wooster (referred to as the “Political Subdivision”) submits this written agreement to participate in the Ohio Department of Transportation’s (ODOT) annual winter road salt bid in accordance with Ohio Revised Code 5513.01(B) and agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract:

- a. The Political Subdivision agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision acknowledges that upon the Director of ODOT’s signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision’s participation in the winter road salt contract; and
- d. The Political Subdivision requests through this participation agreement a total of 2,000 tons of Sodium Chloride (Road Salt) in 2025, in order to maintain sufficient reserves depleted throughout the winter season, of which the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract’s effective period; and
- f. The Political Subdivision agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT winter salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement, it will do so by written, emailed request by no later than Friday, May 3, 2024, by 5:00 p.m. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: [Contracts.Purchasing@dot.ohio.gov](mailto:Contracts.Purchasing@dot.ohio.gov) by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision’s participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision’s participation agreement and/or a Political Subdivision’s request to rescind its participation agreement.

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

SECTION 1. This participation agreement for the ODOT winter road salt contract is approved with funding that will be authorized for FY 2025, and the Political Subdivision agrees to the above terms and conditions regarding participation in the ODOT winter salt contract.

SECTION 2. The Director of Administration is authorized to agree in the name of the City of Wooster to be bound by all of the foregoing terms and conditions, as well as such other terms and conditions as the Director of Transportation prescribes.

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 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 take advantage of this opportunity to procure road salt at a reduced cost by submitting this executed Resolution to ODOT no later than May 3, 2024; 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.

1<sup>st</sup> reading: 4-15-24 2<sup>nd</sup> reading: \_\_\_\_\_ 3<sup>rd</sup> reading: \_\_\_\_\_

Passed: \_\_\_\_\_, 2024 Vote: \_\_\_\_\_

Attest: \_\_\_\_\_

Clerk of Council

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

Approved: \_\_\_\_\_, 2024

\_\_\_\_\_  
Mayor

Introduced by: Barb Knapic

Res 2024-30

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division <b>PPM</b>	Meeting Date Requested <b>4/15/2024</b>
Project Name <b>ODOT Winter Salt Contract</b>	Estimated Total Funds/Costs <b>\$150,000.00</b>
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? This purchase will be budgeted in FY2025	
<b>Description of Request</b> The PPM Division anticipates the need to purchase approximately 2000 tons of salt in 2025 to maintain sufficient reserves depleted throughout the winter season. The funding for the salt to be purchased in 2025 is not funded but will be requested in the 2024 Budget. The reason this request is coming to Council on such short notice is because the City just recently was notified by ODOT that the City could join them in the Winter Fill Salt Contract (018-25).  This past Winter the City Snow and Ice Control Operation applied 1500 tons of salt – this is 2500 tons less than our yearly average of 4500 tons. The cost per ton of salt was \$53.34. We currently have 4800 tons of salt in storage reserves moving into next Winter.	
<b>Justification / Benefits</b> In an unstable salt market, it is difficult to predict and budget from year to year what the price of salt will be. So, partnering with the Ohio Department of Transportation (ODOT) will allow the City to purchase a total of 2000 tons of salt and minimize the risk of paying higher prices. The bidding process that ODOT uses keeps the salt vendors prices very competitive.	
<b>Will this Project affect the City's Operating Costs</b> Yes, in FY2025	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b>  Purchase in the open market – Risk of paying more for salt	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons Council will need to suspend the rules and pass this resolution in its final reading because of time constraints. The ODOT contract agreement for the Winter Fill Contract needs to be submitted by May 3, 2024. The resolution can be submitted after the next City of Wooster Council Meeting.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Curt Denning	<b>Date:</b> 4/11/2024

Approved for Agenda  Yes  No

ORDINANCE NO. 2024-16

AN ORDINANCE AMENDING CHAPTER 133, CIVIL SERVICE RULES AND REGULATIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO AND ALLOWING FOR IMMEDIATE ENACTMENT

WHEREAS, the Director of Administration has recommended that Section 133.03, APPLICATIONS, Section 133.04, EXAMINATIONS, Section 133.05, ELIGIBLE LISTS, Section 133.06, CERTIFICATION, and Section 133.07, APPOINTMENTS be amended to help with recruiting efforts.

WHEREAS, the City of Wooster desires to remain competitive in our hiring processes; and

WHEREAS, municipalities across Ohio have changed or are in the process of changing civil service rules as it relates to hiring lateral police officers.

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

SECTION 1. That Section 133.03, APPLICATIONS, Section 133.04, EXAMINATIONS, Section 133.05, ELIGIBLE LISTS, Section 133.06, CERTIFICATION, and Section 133.07, APPOINTMENTS be amended to read as follows:

**133.03 APPLICATIONS.**

(a) Filing of Applications. Applications for all positions in the classified service shall be made to the Director of Administration upon forms furnished by the Director. Questions on the applications form must be reasonably related to the duties required to be performed in the position.

(b) Minimum Qualifications. Prior to the announcement of a vacancy in the classified service, the Director shall prepare in writing the minimum qualifications required for a vacant position. The minimum qualifications shall make reference to the following when required for a position: age, education and experience, licenses and certificates, physical condition, criminal history, polygraph testing, psychological test. All required qualifications must be reasonably related to the duties required to be performed in the position, and shall not be used to unlawfully discriminate.

A copy of such minimum qualifications shall be provided to the Civil Service Commission. The minimum qualifications must be made a part of the announcement of the vacancy. Following publication of the announcement, no reduction or modification in the minimum qualifications shall be performed.

All applicants must be citizens of the United States and meet the minimum requirements for a position as stated in the announcement, except when necessary to under fill a

promotional position as provided in Section 133.09(a). All applicants for permanent, full-time positions must be at least eighteen years old, except for police officers, who shall be twenty-one to ~~forty-~~ ~~thirty-~~ five years of age, and firefighters, who shall be twenty-one to thirty-five years of age, inclusive at the date of appointment. All applicants seeking a position under Section 133.07(f)(g) shall not be subject to the maximum age requirements of this section.

(c) Investigation. The Director may investigate the information provided by any applicant. Whenever the Director finds that an applicant fails to meet minimum qualifications stated on the announcement; or has been found guilty of a job-related criminal offense; or has been dismissed from employment for inefficiency, delinquency or misconduct; or has resigned from employment while disciplinary charges were pending; or is addicted to the habitual or excessive use of habit forming drugs or intoxicating beverages; or has made false statement on the application; or has otherwise demonstrated a lack of integrity or responsible behavior, the Director may reject the application.

The applicant may appeal the rejection to the Commission within five working days from the date of the notice of rejection.

#### **133.04 EXAMINATIONS.**

(a) Examinations. All original appointments, lateral **firefighter** hires, and promotions in the classified service shall be filled according to merit and fitness, to be ascertained, as far as practical, by competitive examination.

The Director of Administration shall have the responsibility for reviewing the applications and testing applicants.

(b) Announcements. When the Director determines that a vacancy exists that must be filled in an authorized position in the classified service, and no valid eligible list exists for such position, the Director shall establish the date and the type of examination that will be given for the position.

For all examinations, except promotional examinations, the Director shall announce the vacancy by placing an advertisement in a local newspaper of general circulation or electronically publishing, and in other publications as necessary, for three successive days.

Notification of the vacancy shall also be sent to the Civil Service Commission and all City departments to be posted in a conspicuous location in the Municipal Building.

Each classification vacancy shall be advertised in a separate announcement. Multiple vacancies in one classification may be combined into one announcement.

The Director may announce a combined open and promotional examination when three or fewer qualified promotional candidates are available for an examination. The examination shall be advertised as provided herein.



Promotions of sworn officers in the Police and Fire Divisions shall be made only as specified in Section 133.09. Promotional positions, except sworn officers in the Police and Fire Divisions, may be provisionally under filled as provided in Section 133.09(a).

When a position requires exceptional qualifications of a scientific, managerial, professional or educational nature, or where a particular applicant has unusual qualifications for a vacant position based on exceptional skills, education or experience, the Director may determine that it is not practicable to give a competitive examination. In such cases the Director may approve the appointment of a person of recognized attainment, providing satisfactory evidence can be presented to the Commission showing that the designated person is exceptionally qualified and that competition would therefore be impractical.

(c) Examination Methods. Examination methods shall consist of one or more of the following tests, as determined by the Director:

(1) Written tests of aptitudes, achievement and knowledge of the work. The test may include an objective type examination designed to test the applicant's familiarity with information and material which could reasonably be expected in the position; standard intelligence tests; standard aptitude tests; or a dissertation on one or more subjects dealing with problems encountered in the classification.

(2) Written tests which evaluate mental fitness, character traits and attitudes, provided such tests are related to the duties of the position sought.

(3) Ratings which evaluate education, training and/or experience pertinent to the classification for which the examination is taken.

(4) Performance or skill tests which provide for assessment of applicant's abilities and manual skills to perform the work involved in the classification.

(5) Physical examinations consisting of muscular strength, agility, endurance and coordination of applicants.

(6) Oral examinations which evaluate knowledge, personal qualifications, and communications skills, provided such tests or ratings are practical, competitive and related to duties of the position sought.

(d) Conduct of Examinations. All examinations shall be conducted under the supervision of the Director of Administration who may designate or contract on behalf of the Civil Service Commission for special examiners as required. Written examinations shall be prepared, graded and the results certified by a university or other qualified testing service, and contracts for such written examinations shall be approved by the Commission.

No applicant shall be admitted to any written examination after any applicant who has seen the questions has withdrawn from the examination room.

Visitors or observers shall not be admitted to the examination room during any examination except by permission of the Director. The Director may provide for assistance for handicapped applicants who are otherwise qualified. Such assistance shall be limited to reading the examination and/or marking the answers as directed by the applicant.

Any applicant who, during an examination, attempts to aid himself or another applicant in answering questions by reference to notes or other material not approved for use by all applicants, or by discussion with other applicants, or by other means of cheating, shall be dismissed from such examination and shall receive no grade.

Examinations shall be conducted in accordance with the following procedures:

(1) Written examinations shall be administered to all applicants on the date advertised. Prior to the start of the examination, each applicant shall complete and sign an identification card containing a number the applicant must use to identify the examination form and answer sheets, and other such information as required. The identification cards shall be sealed in a blank envelope and delivered to the Commission, who shall use the numbers to identify and rank the test scores. The identity of the person taking the test shall be concealed from the examiners by the use of the identification number by the applicant on the examination form and answer sheet.

(2) An unassembled test which involves the evaluation of education, experience and training of applicants shall use a consistent standard of ranking the qualifications of all applicants.

(3) Performance tests shall involve similar tasks for all applicants competing for the same position, and shall be related to the actual duties and responsibilities of the position. This type of examination shall be administered by someone designated by the Director who is familiar with the skills required in the position,

(4) Physical examination shall involve similar physical fitness activities for all applicants, and shall be related to the duties and responsibilities of the position.

(5) Oral examination shall involve similar questions for all applicants related to the duties and responsibilities of the position. This examination shall be administered by two or more individuals, one of whom may be the Director, or one or more persons selected by the Director familiar with the position. The two examiners shall average their scores to determine a final score for the applicant.

(e) Postponement and Cancellation of Examinations. The Director of Administration shall have the right to postpone any examination because of an inadequate number of applications, because of non-attendance of special examiners, or for other sufficient cause, or to cancel any examination, the holding of which becomes unnecessary because of change in the personnel requirements of the City. All postponements or cancellations shall be approved by the Civil Service Commission.



(f) **Grading of Examinations.** All examinations shall be graded or ranked by the examiner and the results certified to the Commission. Written examinations shall be graded by statistical methods which proportion and convert individual scores on a scale where 100% represents the highest possible attainment and 65% represents the minimum level of attainment. Non-written examinations shall use a consistent passing mark representing the minimum performance level for each examination. In order to attain place on the eligible list, an applicant's final grade average from all tests must be no less than 65% for written examinations or the minimum performance level on non-written examinations. However, the Director, with the approval of the Commission, may require at least 65% in some specific part of an examination as published in the announcement, and the failure of the candidate to make such required 65% in that part of the examination will disqualify the applicant in the entire examination.

The weights of the various parts of each examination shall be determined by the Director and shall be applied uniformly in determining each applicant's final grade.

An applicant who has served in the Armed Forces, Reserve, National Guard, or other Uniformed Services of the United States and has been honorably discharged, shall receive five points credit in addition to the test score. Veteran credit points shall not be added until a passing grade is obtained by the applicant. Veteran credit points shall not apply to any promotional or unassembled examination.

Police officer applicants shall receive two and one-half points credit in addition to the test score for an Associate's Degree or five points additional credit for a Bachelor's Degree. Applicants shall receive one-half point credit for each year of part-time service in their respective divisions.

(g) **Repeating Examinations.** No person who has failed to pass an examination shall be permitted to be re-examined for the same classification within six months of the date of the previous examination. However, the Director may, if the examination is determined to be unfair or unjust, permit person who have failed an examination to be re-examined before the expiration of the six month period, but in no case prior to sixty days from the date of such failure. When such re-examination occurs, physical examinations need not be repeated, but rather the applicant's score in the previous examination may be used. Applicants disqualified and removed from an eligible list because of an unsatisfactory background investigation may repeat an examination for the same classification after three years from date of disqualification.

(h) **Inspection of Examination Papers by Candidates.**

(1) All selection and grading devices and examination papers are the property of the City, and shall be treated as confidential records to the maximum extent possible under law.

(2) Upon receiving notification of the examination grade, applicants may review the keyed copy of the written examination and their own answer sheet, which is identified by their number received during the examination. The criteria and standards used for non-written examinations may also be reviewed during the period herein provided. This review must be

requested within five days exclusive of Saturdays, Sundays and holidays, from the date of mailing the applicant's notification of the examination grade. Review must take place in the presence of the Director or a person designated by the Director. Notetaking in regard to the exam content shall not be permitted. If the applicant believes a clerical error has been made, a request for the correction shall be made to the Director. The scoring by the examiners shall be deemed prima facie correct. No examination paper or any part thereof shall be subject to alteration, addition or deletion by the applicant except that any manifest error of scoring may be corrected by the Director. Additional testing procedures or investigation may continue during the time period provided for review.

(3) Any applicant who exercises the right to inspect examination papers shall not be permitted to take an examination for the same classification within six months of the inspection, unless a totally different examination form is used.

(i) Preservation of Examination Papers. Applicants and examination papers of all candidates for employment shall be kept on file in the office of the Director for at least one year.

### **133.05 ELIGIBLE LISTS.**

(a) Establishment of Eligible List. The scores or final standing of each applicant shall be provided to the Civil Service Commission at the completion of the examination. From the returns of each competitive examination, the Director shall prepare an eligible list of the persons whose grades in the examination are not less than sixty-five percent or who meet the minimum performance level and who are otherwise eligible. The eligible list shall be established in the order of scores or ratings, with the highest score or rating being at the top of the list, and the lowest score or rating being at the bottom of the list. The grade of any applicant failing to qualify shall not be made public.

In an open competitive or **fire** lateral examination for original appointment, if two or more applicants receive the same grade, priority in time of filing the application shall determine the order in which their names shall be placed on the eligible list.

As soon as the grading and rating of an examination have been completed and an eligible list is established, all applicants shall be notified in writing of their individual score or rating, and if successful, of the applicant's final average and related position on the eligible list.

(b) Duration of Eligible List. An eligible list shall be in effect for one year from the date on which it is established by the Director provided, however, that any list that has been reduced to less than three names may be abolished at any time by the Director, except when such eligibility list consists of persons laid-off from the classification for which the eligible list exists. The Director of Administration may request an extension of the eligible list up to six additional months or request that the Commission abolish the eligible list after six months.

(c) Causes for Removal from Eligible List. The Director may at any time remove the name of an applicant from any eligible list for any one or more of the following causes:

- (1) Failure of applicant to reply to notice of certification within the time limit of such notice, unless reasons are presented that satisfy the Director.
- (2) Rejection of the applicant for any of the causes listed in Section 133.03 (c).
- (3) Declination of appointment.
- (4) Failure to notify the Director of change of address.
- (5) For attempted deception, fraud or cheating in connection with any application or tests.

The applicants shall be notified upon being removed from the eligible list unless the whereabouts of the applicant is unknown or the address provided is inaccurate.

Reinstatement to an eligible list may be requested by the applicant in writing to the Commission within thirty days after notification of removal. Upon approval by the Commission, the name of such person shall be restored to the eligible list in a position determined by the grade obtained by the applicant on the examination.

A person certified from an eligible list more than three times for the classification, and is not appointed, may be omitted from future certification from that classification.

(d) Change in Address. Applicants shall notify the Director in writing of any changes in address while their names remain on the eligible list.

### **133.06 CERTIFICATION**

(a) Certification from Eligible List. Upon receipt of an eligible list for a classification, the Civil Service Commission shall certify to the Director of Administration the names of the ~~ten~~ **ten three** persons standing highest on the eligible list. When more than one vacancy is to be filled in a classification, the Commission shall certify the number of names equal to the number of vacancies to be filled and ~~ten~~ **ten three** more in addition thereto; provide, however, that a few number may be certified when there is not the required number on the eligible list. No person shall be certified from a promotional eligible list while permanently separated from employment by the City.

(b) Placement of Lay-Offs on Eligible List. When any regular appointee is laid off, the name of such person shall be placed at the top of the eligible list for the classification from which the employee is laid off. If there is no existing list at the time, the name of such person shall constitute one. When two or more person have been laid off, whether at the same time or not, their names shall be placed at the top of such eligible list in the order of their appointment in the classification held by them when laid off. Such persons shall be eligible for certification and reappointment for a period of two years thereafter.

(c) Waiver of Certification. An eligible may waive certification by notification to the Director. A waiver of certification shall remain in effect until withdrawn, at which time the eligible is reinstated to the position originally held on the eligible list. A waiver may not

exceed six months and may not be used more than two times. After two waivers, or after six months have passed on a waiver, the eligible name shall be removed from the eligible list. Whenever one or more of the eligible who have been certified waive certification or fail to respond to notice of certification, the Commission shall supplement the certification from the eligible list by an equal number of additional names.

(d) Objection. If the Director objects to the certification of any eligible, the specific reasons for the objection shall be given in writing to the Commission. Any cause contained in Section 133.03 (c) shall be deemed sufficient reason for objection, but the Commission may approve objection for other causes. The person against whom objection is made may be granted a hearing by the Commission, at which time the Director may present the objection. If the objection is sustained by the Commission, the next highest name on the eligible list shall be certified.

### **133.07 APPOINTMENTS.**

(a) Investigation of Eligibles. Upon the establishment of an eligible list, the Director of Administration may conduct or authorize an investigation as to whether the eligible possess the necessary standards of health, physical attributes and mental soundness necessary to perform the duties and responsibilities of the position sought. The eligible may be investigated prior to certification.

The investigation may include physical fitness examination, and psychological examination, polygraph examination, background investigation, personal interview or any other method necessary to ascertain the qualifications and ability of the applicant.

If the eligible is found during the investigation to be unqualified or unsuitable for the position, such person may be removed from the eligible list. Upon notification to the Civil Service Commission of such rejection and the reasons thereof, an additional name shall be certified to replace each eligible removed.

The person against whom objection is made may appeal such rejection to the Commission within five days after mailing such notification.

(b) Permanent and Promotional Appointments. After certification of the eligible by the Commission to the Director, the Director shall recommend to the Mayor the name or names of persons to be appointed or promoted from the eligible list. The Mayor may follow the recommendation of the Director, or may appoint or promote another on the eligible list. The Commission shall be notified in writing upon such appointment or promotion. Appointments or promotions may only be made to authorized positions.

(c) **Temporary Appointments.** Part-time and temporary employees may be appointed by the Mayor, by non-competitive examination, from a list maintained by the Director for such positions. The Commission shall be notified in writing of all such appointments.

Part-time and temporary employees may be dismissed at any time, and do not have the same rights and privileges as permanent employees, except where so granted. Such employees are hired and serve under the following conditions:

(1) Must have the previously established minimum qualifications required for the specific classification.

(2) Are not eligible to transfer to another position.

(3) Are not eligible to take promotional examinations.

(4) Do not serve a probationary period.

(5) Are not placed on an eligible list during lay-off.

(d) **Provisional Appointment.** When it is urgent that an immediate appointment be made to fill a vacant, authorized position, and no eligible list exists for the position, the Mayor may make a provisional appointment to that position. Prior to such appointment the Director shall notify the Commission. In no case shall a provisional appointment continue longer than 180 days, or until an appropriate eligible list is established, whichever occurs first.

(e) **Emergency Appointment.** In time of extreme emergency that poses a threat to public health, safety or welfare, and it is necessary to employ one or more persons, the Mayor may, without consulting the Commission, appoint a qualified person or persons during the period of emergency, but in no such case for a period exceeding fifteen days.

Emergency appointments, with the reasons therefor, shall be reported to the Commission as soon as possible after the action is taken, but in any event within three days. The Commission may inquire into the nature of the emergency and reject the appointment if it is found that no emergency existed.



(f) Division of ~~Police and~~ Fire Lateral Hire. There shall ~~also~~ be a lateral hire process for ~~firefighters~~. Subject to Civil Service Rule Sections 133.04 , 133.05 , 133.06 and 133.07 (a) an eligible certified hire list will be generated as provided below:

(1) In response to an advertisement, applicants must submit an employment application to the Department of Human Resources. In addition, candidates must conform to all minimum requirements of the Civil Service Commission Rules and Regulations. And all applicants must meet the following prerequisites:

(i) An applicant must currently or have previously been employed as a full-time firefighter ~~or peace officer~~;

(ii) An applicant must meet all position requirements, as outlined in the posted advertisement; and

(iii) For applicants previously employed, there shall be no more than a one-year break in service from previous employment as a ~~peace officer or~~ firefighter.

(2) The ~~Police Chief or~~ Fire Chief, in conjunction with Human Resources and Director of Administration, will review resumes and applications to determine which applicants meet the lateral entry criteria.

In addition, lateral entry candidates may be required to submit to the following evaluations, including but not limited to, a thorough background investigation, polygraph or CVSA examination, physical, psychological and medical evaluation (post offer), oral interview and drug screening.

(3) Candidates appointed to ~~police officer through these procedures will be hired at a wage step commensurate with prior peace officer service and~~ firefighters will be hired at Class B first year. All candidates must also successfully complete the probationary period. Employees selected through these procedures shall obtain and retain all other rights attributed to the classified service, following successful completion of the probationary period.

(4) If a ~~police officer or~~ firefighter is hired under the lateral process, then after the lateral list expires or is abolished, the next hire must be made from an entry level certified eligible list.

(5) If a layoff exists, then the appointment will be subject to the City Civil Service Rules and Regulations.

(6) The Civil Service Commission is authorized to promulgate rules and regulations for the administration of the test and selection methodology not inconsistent with this section.



(g) Division of Police Lateral Hire. There shall be a lateral process for police officers. Officers hired through this process will not be subject to sections 133.04, 133.05(a)(b), 133.06(a)(c), 133.07(b)(c)(d)(e)(f).

The Director of Administration shall accept applications on a continuous basis for applicants to be placed on a lateral police officer transfer list. To be eligible to be placed on the lateral police officer transfer list, the applicant must meet all of the qualifications listed in the job description.

Once an applicant is placed on the lateral transfer list, the applicant must meet all acceptable standards for all pre-employment assessments. These assessments include, but are not limited to the following:

- a. Medical examination including drug screen
- b. Psychological and/or psychiatric examination
- c. Polygraph and/or CVSA examination
- d. Background investigation
- e. Personality assessment
- f. Personal interview

The lateral transfer police officer list will be provided to the Civil Service Commission from which appointments will be made. Priority in time of filing the application shall determine the order in which names shall be placed on the later transfer list. Applicants who fail to pass or meet the acceptable standards will be removed from the lateral transfer list and will not be considered for the police officer classification until three years have passed from the removal.

All candidates must successfully complete the probationary period. Employees selected through these procedures shall obtain and retain all other rights attributed to the classified service following successful completion of the probationary period.

If a layoff exits, then the appointment will be subject to the City Civil Service Rules and Regulations.

The Civil Service Commission is authorized to promulgate rules and regulations for the selection methodology not inconsistent with this section.



**Robert J. Reynolds**  
Mayor



**Jeanette Wagner**  
Human Resources Manager  
Phone (330) 263-5256  
Fax (330) 263-5213

**CITY OF WOOSTER**

Municipal Building  
538 North Market Street  
Wooster, Ohio 44691-7082

April 22, 2024

On April 22, 2024 the Civil Service Commission met and discussed the proposed changes to the Civil Service Rules and Regulations that will be presented to City Council on May 6, 2024. The Commission is in support of the changes and is recommending they be adopted by City Council.

Reg Kramer, Civil Service Chairman  
Susan Buchwalter – Civil Service Member  
Steve Slack – Civil Service Member

Ord 202416

Request for Agenda Item

1

Authorization for Bid

Purchase Capital Item

Non-Capital

<b>Division</b> Administration / Police Department	<b>Meeting Date Requested</b> 5/6/2024
<b>Project Name</b> Chapter 133, Civil Service Rules and Regulations	<b>Estimated Total Funds/Costs</b> N/A
<b>Is Full Amount Budgeted?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>If YES, three readings NOT REQUIRED</b> N/A	
<b>If No, How is the Purchase to be Funded?</b>  This is not a request for any additional costs.	
<b>Description</b>  This is a request to modify the Civil Service Rules and Regulations as it relates to the hiring of Lateral Police Officers and the number of applicants that can be considered and increase the age requirements for Lateral Police Officers.	
<b>Justification / Benefits</b> Due to the difficulty in attracting qualified police officer applicants, we need to remain competitive in our hiring processes. Municipalities across Ohio have changed or are in the process of changing civil service rules as it relates to hiring lateral police officers, increasing age requirements, and also being able to consider more than three (3) applicants at a time. The benefit will be shortening the hiring process. This change will increase applicants that can be considered and allows the hiring process to move quicker, so we don't lose applicants during our process to competitors.	
<b>Will this Project affect the City's Operating Costs</b> N/A	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> Leave the ordinance the same and the City keep the same process, limiting our hiring options for experienced officers to come to the City of Wooster and also limiting the number of qualified applicants that can be considered.	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>If Yes, Explain The Circumstances:</b>	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>If Yes, Note Reasons</b> Immediate passage is not needed, but approving now would allow the recruiting process to begin immediately.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Joel Montgomery	<b>Date:</b> 4/9/2024
<b>Approved for Agenda</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

## **CHAPTER 133**

### **Civil Service Rules and Regulations**

- 133.01 Definitions.
- 133.02 Classifications.
- 133.03 Applications.
- 133.04 Examinations.
- 133.05 Eligible lists.
- 133.06 Certification.
- 133.07 Appointments.
- 133.08 Probationary period.
- 133.09 Promotions.
- 133.10 Unskilled service.
- 133.11 Transfers, leaves of absence and resignations.
- 133.12 Performance evaluation.
- 133.13 Layoffs and reemployment.
- 133.14 Discipline.
- 133.15 Administration of civil service.

### **CROSS REFERENCES**

Civil Service - see Ohio Const., Art. XV, Sec. 10

Commission established - see CHTR. §5.01

Powers and functions - see CHTR. §5.02

Classified and unclassified service - see CHTR. §5.03

Civil Service Law - see Ohio R. C. Ch. 124

Open meetings - see ADM. Ch. 107

### 133.01 DEFINITIONS.

As used in these chapters, the following words, phrases, terms or expressions shall have the meanings as indicated:

- (a) "Abolishment of position" means an elimination of one or more positions due to reorganization for efficient operations, economic reasons, or for lack of work.
- (b) "Allocation" means the assignment of a class to a pay range or an appropriate pay level.
- (c) "Applicant" means a person who has formally applied for a position with the City.
- (d) "Appointment" means the act of selecting and hiring an individual to a position in the employment of the City.
- (e) "Authorized position" means positions set forth in the official table of organization which has been authorized and approved by the Mayor.
- (f) "Certification" means the act by which the Civil Service Commission sends to the Director of Administration a list of names and applicants eligible for a specific position.
- (g) "Classification" or "Classification plan" means a position or group of positions having similar duties and responsibilities requiring similar qualifications, which can be properly designated by one title.
- (h) "Classified service" means all positions in the Civil Service not included in the unclassified service by the Charter.
- (i) "Commission" means the Civil Service Commission of the City.
- (j) "Continuous Service" means the time a person has been continuously employed, including time served as a full-time, part-time, temporary, provisional or probationary employee where there has been a continuation of employment to permanent status without any break in service.
- (k) "Demotion" means a reduction from one classification to another classification for which the maximum rate of pay is lower.
- (l) "Director" means the Director of Administration, who also serves as Personnel Director, although such duties may be delegated.
- (m) "Dismissal" means the permanent separation of an employee from City employment.
- (n) "Eligible" means a person who has formally applied for a position with the City and has been placed on an eligible list, or who has qualified to be placed on an eligible list.
- (o) "Eligible list" means a list of names established either through registration, examination, or reinstatement for the purpose of filling vacancies in the classified service.



(p) "Examination" or "test" means methods or procedures used by the City to assess the relative capability of applicants to perform the duties and responsibilities of the position sought. Examinations may comprise one or more of the following types:

(1) "Open competitive" means an examination which is open to all qualified applicants.

(2) "Promotional closed competitive" means an examination which is open to qualified City employees only.

(3) "Assembled" means an examination which requires qualified applicants to report a designated time and place to participate in the examination.

(4) "Unassembled" means an examination which is based on review and ranking of experience, educations and other relevant qualifications or written material submitted by the applicant.

(5) "Non-Competitive" means an examination not involving competition that may be held for unskilled positions or part-time, seasonal or temporary positions.

(q) "Job specification" means a written position description of the duties and responsibilities of a position.

(r) "Layoff" means removal of an employee from City employment due to lack of work, lack of funds, or to changes in administrative organization abolishing one or more positions.

(s) "Part-time" means a position of employment that may be continual, but involves an annual average work week of fewer than thirty hours.

(t) "Pay range" means a group of standard rates of pay with minimum, maximum and intermediate pay steps.

(u) "Position" means an officially designated job with a general defined group of duties and responsibilities.

(v) "Promotion" means advancement of an employee from one class to another class for which the maximum rate of pay is higher. In no case shall the rate of pay received by the employee in the new class be less than the employee received in the class held prior to the promotion.

(w) "Provisional" means a short-term replacement in a vacant permanent position for which no eligible list exists, but which does not exceed 120 days.

(x) "Step increase" means an increase in pay from one pay step to the next successive pay step within a pay range.

(y) "Suspension" means the temporary and involuntary separation of an employee from City employment for disciplinary purposes.

(z) "Temporary" means a position involving short-term employment, usually not exceeding 120 calendar days.

(aa) "Under filling" means filling a promotional position with an existing employee who does not meet the minimum qualifications for the position, when an inadequate number of qualified applicants are available for the promotional position. Such employee is provisionally appointed and then trained to assume responsibility for the position, provided a promotional examination is passed or the employee's qualifications are accepted by the Civil Service Commission.

(bb) "Working day" means any day during which the employee is regularly scheduled to work or the days during which the municipal offices are open for business, generally Monday through Friday, which is applicable.

(Ord. 2017-26. Passed 9-18-17.)

### 133.02 CLASSIFICATIONS.

(a) Classification. A classification plan for all employees in the classified and unclassified service shall be developed and maintained by the Director of Administration and pay ranges established for each classification.

(b) Job Specifications. Job specifications, with essential functions, shall be developed and maintained by the Director outlining the duties and responsibilities of each classification. The job specifications are to be descriptive only and shall not be considered comprehensive or as limiting the duties of a position.

(c) Incumbents of Changed Classifications. Whenever a position has been allocated to a new classification through merger, abolition or division of classifications, or through the creation of new classifications, the employee so allocated shall receive the title of the new classification without examination. Whenever new classifications are established, or amended, merged, abolished or divided, the Civil Service Commission shall be given a copy of the new classification within five days of the implementation of such classification.

(Ord. 2017-26. Passed 9-18-17.)

### 133.03 APPLICATIONS.

(a) Filing of Applications. Applications for all positions in the classified service shall be made to the Director of Administration upon forms furnished by the Director. Questions on the applications form must be reasonably related to the duties required to be performed in the position.

(b) **Minimum Qualifications.** Prior to the announcement of a vacancy in the classified service, the Director shall prepare in writing the minimum qualifications required for a vacant position. The minimum qualifications shall make reference to the following when required for a position: age, education and experience, licenses and certificates, physical condition, criminal history, polygraph testing, psychological test. All required qualifications must be reasonably related to the duties required to be performed in the position, and shall not be used to unlawfully discriminate.

A copy of such minimum qualifications shall be provided to the Civil Service Commission. The minimum qualifications must be made a part of the announcement of the vacancy. Following publication of the announcement, no reduction or modification in the minimum qualifications shall be performed.

All applicants must be citizens of the United States and meet the minimum requirements for a position as stated in the announcement, except when necessary to under fill a promotional position as provided in Section 133.09(a). All applicants for permanent, full-time positions must be at least eighteen years old, except for police officers, who shall be twenty-one to ~~forty~~ ~~thirty~~ five years of age, and firefighters, who shall be twenty-one to thirty-five years of age, inclusive at the date of appointment. All applicants seeking a position under Section 133.07(f)(g) shall not be subject to the maximum age requirements of this section.

(c) **Investigation.** The Director may investigate the information provided by any applicant. Whenever the Director finds that an applicant fails to meet minimum qualifications stated on the announcement; or has been found guilty of a job-related criminal offense; or has been dismissed from employment for inefficiency, delinquency or misconduct; or has resigned from employment while disciplinary charges were pending; or is addicted to the habitual or excessive use of habit forming drugs or intoxicating beverages; or has made false statement on the application; or has otherwise demonstrated a lack of integrity or responsible behavior, the Director may reject the application.

The applicant may appeal the rejection to the Commission within five working days from the date of the notice of rejection.

(Ord. 2017-26. Passed 9-18-17.)

#### 133.04 EXAMINATIONS.

(a) **Examinations.** All original appointments, lateral **firefighter** hires, and promotions in the classified service shall be filled according to merit and fitness, to be ascertained, as far as practical, by competitive examination.

The Director of Administration shall have the responsibility for reviewing the applications and testing applicants.

(b) **Announcements.** When the Director determines that a vacancy exists that must be filled in an authorized position in the classified service, and no valid eligible list exists for such position, the Director shall establish the date and the type of examination that will be given for the position.

For all examinations, except promotional examinations, the Director shall announce the vacancy by placing an advertisement in a local newspaper of general circulation or electronically publishing, and in other publications as necessary, for three successive days.

Notification of the vacancy shall also be sent to the Civil Service Commission and all City departments to be posted in a conspicuous location in the Municipal Building.

Each classification vacancy shall be advertised in a separate announcement. Multiple vacancies in one classification may be combined into one announcement.

The Director may announce a combined open and promotional examination when three or fewer qualified promotional candidates are available for an examination. The examination shall be advertised as provided herein.

Promotions of sworn officers in the Police and Fire Divisions shall be made only as specified in Section 133.09. Promotional positions, except sworn officers in the Police and Fire Divisions, may be provisionally under filled as provided in Section 133.09(a).

When a position requires exceptional qualifications of a scientific, managerial, professional or educational nature, or where a particular applicant has unusual qualifications for a vacant position based on exceptional skills, education or experience, the Director may determine that it is not practicable to give a competitive examination. In such cases the Director may approve the appointment of a person of recognized attainment, providing satisfactory evidence can be presented to the Commission showing that the designated person is exceptionally qualified and that competition would therefore be impractical.

(c) **Examination Methods.** Examination methods shall consist of one or more of the following tests, as determined by the Director:

(1) Written tests of aptitudes, achievement and knowledge of the work. The test may include an objective type examination designed to test the applicant's familiarity with information and material which could reasonably be expected in the position; standard intelligence tests; standard aptitude tests; or a dissertation on one or more subjects dealing with problems encountered in the classification.

(2) Written tests which evaluate mental fitness, character traits and attitudes, provided such tests are related to the duties of the position sought.

(3) Ratings which evaluate education, training and/or experience pertinent to the classification for which the examination is taken.

(4) Performance or skill tests which provide for assessment of applicant's abilities and manual skills to perform the work involved in the classification.

(5) Physical examinations consisting of muscular strength, agility, endurance and coordination of applicants.

(6) Oral examinations which evaluate knowledge, personal qualifications, and communications skills, provided such tests or ratings are practical, competitive and related to duties of the position sought.

(d) Conduct of Examinations. All examinations shall be conducted under the supervision of the Director of Administration who may designate or contract on behalf of the Civil Service Commission for special examiners as required. Written examinations shall be prepared, graded and the results certified by a university or other qualified testing service, and contracts for such written examinations shall be approved by the Commission.

No applicant shall be admitted to any written examination after any applicant who has seen the questions has withdrawn from the examination room.

Visitors or observers shall not be admitted to the examination room during any examination except by permission of the Director. The Director may provide for assistance for handicapped applicants who are otherwise qualified. Such assistance shall be limited to reading the examination and/or marking the answers as directed by the applicant.

Any applicant who, during an examination, attempts to aid himself or another applicant in answering questions by reference to notes or other material not approved for use by all applicants, or by discussion with other applicants, or by other means of cheating, shall be dismissed from such examination and shall receive no grade.

Examinations shall be conducted in accordance with the following procedures:

(1) Written examinations shall be administered to all applicants on the date advertised. Prior to the start of the examination, each applicant shall complete and sign an identification card containing a number the applicant must use to identify the examination form and answer sheets, and other such information as required. The identification cards shall be sealed in a blank envelope and delivered to the Commission, who shall use the numbers to identify and rank the test scores. The identity of the person taking the test shall be concealed from the examiners by the use of the identification number by the applicant on the examination form and answer sheet.

(2) An unassembled test which involves the evaluation of education, experience and training of applicants shall use a consistent standard of ranking the qualifications of all applicants.

(3) Performance tests shall involve similar tasks for all applicants competing for the same position, and shall be related to the actual duties and responsibilities of the position. This type of examination shall be administered by someone designated by the Director who is familiar with the skills required in the position,

(4) Physical examination shall involve similar physical fitness activities for all applicants, and shall be related to the duties and responsibilities of the position.

(5) Oral examination shall involve similar questions for all applicants related to the duties and responsibilities of the position. This examination shall be administered by two or more individuals, one of whom may be the Director, or one or more persons selected by the Director familiar with the position. The two examiners shall average their scores to determine a final score for the applicant.

(e) Postponement and Cancellation of Examinations. The Director of Administration shall have the right to postpone any examination because of an inadequate number of applications, because of non-attendance of special examiners, or for other sufficient cause, or to cancel any examination, the holding of which becomes unnecessary because of change in the personnel requirements of the City. All postponements or cancellations shall be approved by the Civil Service Commission.

(f) Grading of Examinations. All examinations shall be graded or ranked by the examiner and the results certified to the Commission. Written examinations shall be graded by statistical methods which proportion and convert individual scores on a scale where 100% represents the highest possible attainment and 65% represents the minimum level of attainment. Non-written examinations shall use a consistent passing mark representing the minimum performance level for each examination. In order to attain place on the eligible list, an applicant's final grade average from all tests must be no less than 65% for written examinations or the minimum performance level on non-written examinations. However, the Director, with the approval of the Commission, may require at least 65% in some specific part of an examination as published in the announcement, and the failure of the candidate to make such required 65% in that part of the examination will disqualify the applicant in the entire examination.

The weights of the various parts of each examination shall be determined by the Director and shall be applied uniformly in determining each applicant's final grade.

An applicant who has served in the Armed Forces, Reserve, National Guard, or other Uniformed Services of the United States and has been honorably discharged, shall receive five points credit in addition to the test score. Veteran credit points shall not be added until a passing grade is obtained by the applicant. Veteran credit points shall not apply to any promotional or unassembled examination.

Police officer applicants shall receive two and one-half points credit in addition to the test score for an Associate's Degree or five points additional credit for a Bachelor's Degree.

Applicants shall receive one-half point credit for each year of part-time service in their respective divisions.

(g) Repeating Examinations. No person who has failed to pass an examination shall be permitted to be re-examined for the same classification within six months of the date of the previous examination. However, the Director may, if the examination is determined to be unfair or unjust, permit person who have failed an examination to be re-examined before the expiration of the six month period, but in no case prior to sixty days from the date of such failure. When such re-examination occurs, physical examinations need not be repeated, but rather the applicant's score in the previous examination may be used. Applicants disqualified and removed from an eligible list because of an unsatisfactory background investigation may repeat an examination for the same classification after three years from date of disqualification.

(h) Inspection of Examination Papers by Candidates.

(1) All selection and grading devices and examination papers are the property of the City, and shall be treated as confidential records to the maximum extent possible under law.

(2) Upon receiving notification of the examination grade, applicants may review the keyed copy of the written examination and their own answer sheet, which is identified by their number received during the examination. The criteria and standards used for non-written examinations may also be reviewed during the period herein provided. This review must be requested within five days exclusive of Saturdays, Sundays and holidays, from the date of mailing the applicant's notification of the examination grade. Review must take place in the presence of the Director or a person designated by the Director. Notetaking in regard to the exam content shall not be permitted. If the applicant believes a clerical error has been made, a request for the correction shall be made to the Director. The scoring by the examiners shall be deemed prima facie correct. No examination paper or any part thereof shall be subject to alteration, addition or deletion by the applicant except that any manifest error of scoring may be corrected by the Director. Additional testing procedures or investigation may continue during the time period provided for review.

(3) Any applicant who exercises the right to inspect examination papers shall not be permitted to take an examination for the same classification within six months of the inspection, unless a totally different examination form is used.

(i) Preservation of Examination Papers. Applicants and examination papers of all candidates for employment shall be kept on file in the office of the Director for at least one year.

(Ord. 2017-26. Passed 9-18-17.)



### 133.05 ELIGIBLE LISTS.

(a) Establishment of Eligible List. The scores or final standing of each applicant shall be provided to the Civil Service Commission at the completion of the examination. From the returns of each competitive examination, the Director shall prepare an eligible list of the persons whose grades in the examination are not less than sixty-five percent or who meet the minimum performance level and who are otherwise eligible. The eligible list shall be established in the order of scores or ratings, with the highest score or rating being at the top of the list, and the lowest score or rating being at the bottom of the list. The grade of any applicant failing to qualify shall not be made public.

In an open competitive or **fire** lateral examination for original appointment, if two or more applicants receive the same grade, priority in time of filing the application shall determine the order in which their names shall be placed on the eligible list.

As soon as the grading and rating of an examination have been completed and an eligible list is established, all applicants shall be notified in writing of their individual score or rating, and if successful, of the applicant's final average and related position on the eligible list.

(b) Duration of Eligible List. An eligible list shall be in effect for one year from the date on which it is established by the Director provided, however, that any list that has been reduced to less than three names may be abolished at any time by the Director, except when such eligibility list consists of persons laid-off from the classification for which the eligible list exists. The Director of Administration may request an extension of the eligible list up to six additional months or request that the Commission abolish the eligible list after six months.

(c) Causes for Removal from Eligible List. The Director may at any time remove the name of an applicant from any eligible list for any one or more of the following causes:

(1) Failure of applicant to reply to notice of certification within the time limit of such notice, unless reasons are presented that satisfy the Director.

(2) Rejection of the applicant for any of the causes listed in Section 133.03 (c).

(3) Declination of appointment.

(4) Failure to notify the Director of change of address.

(5) For attempted deception, fraud or cheating in connection with any application or tests.

The applicants shall be notified upon being removed from the eligible list unless the whereabouts of the applicant is unknown or the address provided is inaccurate.

Reinstatement to an eligible list may be requested by the applicant in writing to the Commission within thirty days after notification of removal. Upon approval by the Commission, the name of such person shall be restored to the eligible list in a position determined by the grade obtained by the applicant on the examination.

A person certified from an eligible list more than three times for the classification, and is not appointed, may be omitted from future certification from that classification.

(d) Change in Address. Applicants shall notify the Director in writing of any changes in address while their names remain on the eligible list.

(Ord. 2017-26. Passed 9-18-17.)

#### 133.06 CERTIFICATION.

(a) Certification from Eligible List. Upon receipt of an eligible list for a classification, the Civil Service Commission shall certify to the Director of Administration the names of the ~~ten~~ ~~three~~ persons standing highest on the eligible list. When more than one vacancy is to be filled in a classification, the Commission shall certify the number of names equal to the number of vacancies to be filled and ~~ten~~ ~~three~~ more in addition thereto; provide, however, that a few number may be certified when there is not the required number on the eligible list. No person shall be certified from a promotional eligible list while permanently separated from employment by the City.

(b) Placement of Lay-Offs on Eligible List. When any regular appointee is laid off, the name of such person shall be placed at the top of the eligible list for the classification from which the employee is laid off. If there is no existing list at the time, the name of such person shall constitute one. When two or more person have been laid off, whether at the same time or not, their names shall be placed at the top of such eligible list in the order of their appointment in the classification held by them when laid off. Such persons shall be eligible for certification and reappointment for a period of two years thereafter.

(c) Waiver of Certification. An eligible may waive certification by notification to the Director. A waiver of certification shall remain in effect until withdrawn, at which time the eligible is reinstated to the position originally held on the eligible list. A waiver may not exceed six months and may not be used more than two times. After two waivers, or after six months have passed on a waiver, the eligible name shall be removed from the eligible

list. Whenever one or more of the eligible who have been certified waive certification or fail to respond to notice of certification, the Commission shall supplement the certification from the eligible list by an equal number of additional names.

(d) Objection. If the Director objects to the certification of any eligible, the specific reasons for the objection shall be given in writing to the Commission. Any cause contained in Section 133.03 (c) shall be deemed sufficient reason for objection, but the Commission may approve objection for other causes. The person against whom objection is made may be granted a hearing by the Commission, at which time the Director may present the objection. If the objection is sustained by the Commission, the next highest name on the eligible list shall be certified.

(Ord. 2017-26. Passed 9-18-17.)

#### 133.07 APPOINTMENTS.

(a) Investigation of Eligibles. Upon the establishment of an eligible list, the Director of Administration may conduct or authorize an investigation as to whether the eligible possess the necessary standards of health, physical attributes and mental soundness necessary to perform the duties and responsibilities of the position sought. The eligible may be investigated prior to certification.

The investigation may include physical fitness examination, and psychological examination, polygraph examination, background investigation, personal interview or any other method necessary to ascertain the qualifications and ability of the applicant.

If the eligible is found during the investigation to be unqualified or unsuitable for the position, such person may be removed from the eligible list. Upon notification to the Civil Service Commission of such rejection and the reasons thereof, an additional name shall be certified to replace each eligible removed.

The person against whom objection is made may appeal such rejection to the Commission within five days after mailing such notification.

(b) Permanent and Promotional Appointments. After certification of the eligible by the Commission to the Director, the Director shall recommend to the Mayor the name or names of persons to be appointed or promoted from the eligible list. The Mayor may follow the recommendation of the Director, or may appoint or promote another on the eligible list. The Commission shall be notified in writing upon such appointment or promotion. Appointments or promotions may only be made to authorized positions.

(c) Temporary Appointments. Part-time and temporary employees may be appointed by the Mayor, by non-competitive examination, from a list maintained by the Director for such positions. The Commission shall be notified in writing of all such appointments.

Part-time and temporary employees may be dismissed at any time, and do not have the same rights and privileges as permanent employees, except where so granted. Such employees are hired and serve under the following conditions:

- (1) Must have the previously established minimum qualifications required for the specific classification.
- (2) Are not eligible to transfer to another position.
- (3) Are not eligible to take promotional examinations.
- (4) Do not serve a probationary period.
- (5) Are not placed on an eligible list during lay-off.

(d) Provisional Appointment. When it is urgent that an immediate appointment be made to fill a vacant, authorized position, and no eligible list exists for the position, the Mayor may make a provisional appointment to that position. Prior to such appointment the Director shall notify the Commission. In no case shall a provisional appointment continue longer than 180 days, or until an appropriate eligible list is established, whichever occurs first.

(e) Emergency Appointment. In time of extreme emergency that poses a threat to public health, safety or welfare, and it is necessary to employ one or more persons, the Mayor may, without consulting the Commission, appoint a qualified person or persons during the period of emergency, but in no such case for a period exceeding fifteen days.

Emergency appointments, with the reasons therefor, shall be reported to the Commission as soon as possible after the action is taken, but in any event within three days. The Commission may inquire into the nature of the emergency and reject the appointment if it is found that no emergency existed.

(f) Division of ~~Police and~~ Fire Lateral Hire. There shall ~~also~~ be a lateral hire process for ~~firefighters~~. Subject to Civil Service Rule Sections 133.04 , 133.05 , 133.06 and 133.07 (a) an eligible certified hire list will be generated as provided below:

(1) In response to an advertisement, applicants must submit an employment application to the Department of Human Resources. In addition, candidates must conform to all minimum requirements of the Civil Service Commission Rules and Regulations. And all applicants must meet the following prerequisites:

(i) An applicant must currently or have previously been employed as a full-time firefighter ~~or peace officer~~;

(ii) An applicant must meet all position requirements, as outlined in the posted advertisement; and

(iii) For applicants previously employed, there shall be no more than a one-year break in service from previous employment as a ~~peace officer or~~ firefighter.

(2) The ~~Police Chief or~~ Fire Chief, in conjunction with Human Resources and Director of Administration, will review resumes and applications to determine which applicants meet the lateral entry criteria.

In addition, lateral entry candidates may be required to submit to the following evaluations, including but not limited to, a thorough background investigation, polygraph or CVSA examination, physical, psychological and medical evaluation (post offer), oral interview and drug screening.

(3) Candidates appointed to ~~police officer through these procedures will be hired at a wage step commensurate with prior peace officer service and~~ firefighters will be hired at Class B first year. All candidates must also successfully complete the probationary period. Employees selected through these procedures shall obtain and retain all other rights attributed to the classified service, following successful completion of the probationary period.

(4) If a ~~police officer or~~ firefighter is hired under the lateral process, then after the lateral list expires or is abolished, the next hire must be made from an entry level certified eligible list.

(5) If a layoff exists, then the appointment will be subject to the City Civil Service Rules and Regulations.

(6) The Civil Service Commission is authorized to promulgate rules and regulations for the administration of the test and selection methodology not inconsistent with this section.

(Ord. 2017-26. Passed 9-18-17.)

~~(g) Division of Police Lateral Hire. There shall be a lateral process for police officers. Officers hired through this process will not be subject to sections 133.04, 133.05(a)(b), 133.06(a)(c), 133.07(b)(c)(d)(e)(f).~~

~~The Director of Administration shall accept applications on a continuous basis for applicants to be placed on a lateral police officer transfer list. To be eligible to be placed on the lateral police officer transfer list, the applicant must meet all of the qualifications listed in the job description.~~

Once an applicant is placed on the lateral transfer list, the applicant must meet all acceptable standards for all pre-employment assessments. These assessments include, but are not limited to the following:

- a. Medical examination including drug screen
- b. Psychological and/or psychiatric examination
- c. Polygraph and/or CVSA examination
- d. Background investigation
- e. Personality assessment
- f. Personal interview

The lateral transfer police officer list will be provided to the Civil Service Commission from which appointments will be made. Priority in time of filing the application shall determine the order in which names shall be placed on the later transfer list. Applicants who fail to pass or meet the acceptable standards will be removed from the lateral transfer list and will not be considered for the police officer classification until three years have passed from the removal.

All candidates must successfully complete the probationary period. Employees selected through these procedures shall obtain and retain all other rights attributed to the classified service following successful completion of the probationary period.

If a layoff exists, then the appointment will be subject to the City Civil Service Rules and Regulations.

The Civil Service Commission is authorized to promulgate rules and regulations for the selection methodology not inconsistent with this section.

#### **133.08 PROBATIONARY PERIOD.**

(a) Purpose. The probationary period shall be regarded as an integral part of the examination process and shall be used for closely observing the employee's work, for securing the most effective adjustment of a new employee to a new job and for dismissing any employee whose performance does not meet required work standards.

(b) Probation. Permanent original appointments to the classified service, except classified service with the Division of Police, shall serve a one year probationary period from the date of such appointment. For permanent original appointments to the classified service in the Division of Police, a probationary period shall begin the first day of employment and end one year following the first day of field training. A probationer may be discharged without cause at any time within the probationary year.

All permanent promotional appointments in the classified service shall serve a probationary period of one year from the date of such promotion. If during that period the service of the employee so appointed is not satisfactory, the employee may be reduced to the position from which the promotion was made.

No permanent appointment or promotion shall be deemed final until the appointee has satisfactorily served the probationary period.

(c) Probation Reports. All classified employees shall be evaluated in writing during their probationary period. The employee's supervisor shall prepare and transmit to the Director of Administration an evaluation of the performance of the probationary employee upon a form approved by Council. A probationary employee, upon request, shall be entitled to a copy of such evaluation.

For original permanent appointees, a report shall be completed quarterly after the commencement of the probationary period, with the final report completed five days prior to the expiration of the probationary period. Promotional appointees shall be evaluated ten days prior to the expiration of their probationary period.

(d) Absence During Probationary Period. Whenever a probationary employee is granted a leave of absence, sick leave or is laid off, suspended for discipline purposes, or is otherwise absent from work, the length of the probationary period shall be extended the length of such absence. Upon return to duty following such absence, such employee shall be required to service the unexpired portion of the probationary period.

(Ord. 2017-26. Passed 9-18-17.)

### 133.09 PROMOTIONS.

(a) Method of Filling Vacancies. Vacancies in authorized positions above the lowest classifications in the classified service shall be filled, as far as practicable, by promotions. All promotional ranks within the Division of Police and Division of Fire shall be filled by promotion, except as otherwise provided in the Charter or these Codified Ordinances. In regard to all other positions, the Director of Administration shall in each case determine whether or not it is practicable to fill a position by promotion, and from what classification or classifications such promotion shall be made and the type of examination to be used for the promotion. The Director may authorize a single combined open and promotional examination for the same position.



Eligibility for a promotional examination shall be limited to permanent employees who have satisfactorily completed their probationary period in a designated class or classes, and have received a satisfactory rating average on the last two most recent evaluation reports.

However, when an open examination will be given for a promotion, employees serving their probationary year in another position may take the open examination. If such employee is certified and receives the promotion, the employee's probationary period in the new position shall be the greater of ninety days from the date of promotion, or the balance of the probationary year dated from the time of original appointment with the City.

When a vacancy in a promotional position has been announced, and an insufficient number of qualified applicants are available for either an open or promotional examination, then, with the approval of the Commission, such promotional position may be under filled by provisionally appointing to the position a City employee who has less than the minimum qualifications for the position. During the provisional period, the employee shall receive training for the position.

At the completion of the provisional period, the employee shall receive permanent promotion upon passing a promotional examination, or demonstrating to the satisfaction of the Commission, that the employee is qualified for the promotion.

(b) Promotional Examinations in Police and Fire Divisions. All regular sworn members of the Fire Division above the rank of firefighter, who have completed five years of service as a regular sworn members, may take the examination for Chief. All regular sworn members of the Police Division, in the job classifications of Lieutenant, Captain and Assistant Chief, may take the examination for Chief. In addition, the Mayor may nominate two additional candidates to take the examination for Chief in each division. Except for the position of Chief of each division, no position above the rank of firefighter and patrolman in their respective divisions shall be filled by original appointment.

(1) When a vacancy occurs among sworn officers in the Fire Division, it shall be filled by promotional examination which shall be open to persons employed within the division as follows: lieutenants with at least three years' service in addition to the required one year probationary period shall be eligible for the examination for assistant chief. Regular firefighters with at least five years' service in addition to the required one year probationary period shall be eligible for the examinations for assistant chief and/or captain. Regular firefighters with at least two years' service in addition to the required one year probationary period shall be eligible to take the examination for lieutenant. Whenever such promotional examinations are given, lieutenants shall be eligible to take the examination for captain; captains shall be eligible to take the examination for assistant chief.

(2) For the purpose of this section, two or more persons who are eligible are required to take the promotional examination for the examination to be deemed competitive.

When a vacancy occurs among sworn officers in the Police Division, it shall be filled by promotional examination which shall be open to persons employed within the Division.

Police officers, who have successfully completed the one year initial probationary period, shall be eligible to take the examination for sergeant. Police Officers and Sergeants, who have successfully completed the probationary period, shall be eligible to take the examination for Lieutenant. Police Officers, Sergeants and Lieutenants, who have successfully completed the probationary period, shall be eligible to take the examination for Captain. Captains and Lieutenants, who have successfully completed the probationary period, shall be eligible to take the examination for Assistant Chief.

(c) Unassembled Promotional Examinations. Whenever there are three or less eligible City employees to compete in a promotional examination, an unassembled examination may be given to the applicants to determine their ranking on the eligible list. In exceptional cases, the Commission may authorize the promotion of an eligible employee upon presentation of satisfactory evidence that competition is impractical.

Promotional examinations in the Police and Fire Division shall be conducted only according to Section 133.09(b).

(d) Grading of Promotional Examinations. Promotional examinations shall be graded in accordance with Section 133.04 (f). The candidate's final score shall be determined by adding seniority credit points and/ or higher education credits to the total examination score. No candidate shall receive more than a maximum of seven and one half points for higher education and/or seniority credits combined.

(e) Seniority credit may be given at a rate of one half point credit for each year of continuous service with the City, up to a maximum of seven and one half points. In promotional examinations for sworn officers of the Police and Fire Divisions, credit for seniority shall be based only on service in the Police and Fire Divisions, respectively.

(f) Higher education credits for promotional candidates may be given at a rate of two and one half points credit for an Associate's Degree in a related field or five points credit for a Bachelor's Degree in a related field. For Police promotional candidates, higher education credits will only be considered after two years of full-time service.

Efficiency credit shall not be a factor in determining the final score, except that a satisfactory average of the two most recent evaluation reports in the employee's class is necessary to be eligible to take a promotional examination.

When a tie exists after calculation of the final score, including seniority and higher education credits, then seniority in the classification from which the promotion is sought

shall determine the order of the scores. If a tie still exists, then the final score by which the applicants obtained the classification from which the promotion is sought shall determine the order of the scores.

(Ord. 2017-26. Passed 9-18-17.)

### 133.10 UNSKILLED SERVICE.

(a) Unskilled Positions. Pursuant to Section 5.03 of the Charter, the following shall comprise the unskilled service of the City, which need not be selected by competitive examination: Receptionist, Laborer, Equipment Operator I, Assistant Operator (Water Pollution Control and Water Production), Operator (Water Pollution Control and Water Production), Utility Technician, Account Clerk, Recreation Specialist, Meter Enforcement Aide, Dispatcher, Custodian, Parking Meter Technician.

(b) Original Appointments to Unskilled Positions. When a vacancy in an unskilled classification is to be filled by original appointment, such position shall be advertised as provided in Section 133.04, and applications made to the Director of Administration. The Director shall evaluate the applications and give tests as necessary to determine the qualifications of such applicants. A priority list of applicants shall be compiled by the Director, a copy of which shall be submitted to the Civil Service Commission, from which appointments shall be made.

(c) Promotional Appointments to Unskilled Positions. Promotions into unskilled positions as listed in Section 133.10 (a) shall be made as provided in Section 133.09 , except that competitive examinations need not be used to establish the eligible list. The Director shall evaluate the applications and give tests as necessary and appropriate to determine the qualifications of the applicants. A priority list of applicants shall be compiled by the Director, a copy to which shall be submitted to the Commission, from which the promotions shall be made.

(Ord. 2017-26. Passed 9-18-17.)

### 133.11 TRANSFERS, LEAVES OF ABSENCE AND RESIGNATIONS.

(a) Transfers. Except for sworn officers of the Police and Fire Divisions, the Director of Administration may transfer any employee from the position held to a like position in the same or another division. In addition, any employee may request transfer to a like position

in another division, conditional upon the approval of the Director and the head of the division to which the employee wishes to be transferred .

(b) Leaves of Absence. A leave of absence without pay for cause may be granted by the Director for a definite period not to exceed one year, provided that the absence does not disrupt City operations. Such leaves shall be without pay or benefits, except as authorized by the Director.

Leaves of absence may be granted for physical disability, for study or training of value to public service, for maternity leave, or for any other purpose approved by the Director.

A request for leave of absence shall be presented to the Director in writing at least twenty days' prior to the start of the leave, unless the Director consents to a shorter notice.

Holiday pay, sick leave, hospitalization, vacation, seniority and other benefits shall not accrue during leave of absence.

Failure to return to work on schedule from a leave of absence shall be considered a resignation.

(c) Resignation. Any employee in the classified service who desires to resign in good standing shall give a written notice to the employee's division head at least two weeks prior to the date the employee intends to leave, unless the division head consents to a shorter period. Then the division head approves such request, it shall be forwarded to the Director, who shall in turn notify the Civil Service Commission.

If an employee has been served with a dismissal notice, and such notice has been filed with the Commission, and the employee thereupon resigns, the acceptance of the resignation constitutes resignation in bad standing. The charges pending shall be deemed withdrawn and the proceeding shall be dismissed without judgment. The resignation shall be effective immediately and the employee may not be reinstated.

(d) Reinstatement. At the discretion of the City, any employee in the classified service who has resigned in good standing may, within one year of the effective date of such resignation, request from the Director in writing reinstatement to the position from which the employee resigned. Upon approval of the Director, the employee's former division head and the Commission, if a vacancy exists, the employee may be reinstated to the classification from which the employee resigned. If no vacancy exists, the name of the employee may be placed at the top of the eligible list for the classification from which the employee resigned. If no eligible list exists, such persons named shall constitute an eligible list. However, where such eligible list includes the names of laid off employees, the laid off employees shall take priority over employees who have requested reinstatement. In the uniformed ranks of the Police and Fire Divisions, reinstatement shall be to the position of patrolman or firefighter, regardless of the former position held.

(e) **Absence Without Leave.** Absence from duty without authorized leave for three consecutive work days shall constitute resignation in bad standing. However, if within three days of the effective date of such resignation the employee submits sufficient evidence explaining that the employee was physically or mentally unable to notify the Director or his supervisor, the Director may authorize reinstatement. For this subsection (e), "work day" means the days the employee is regularly scheduled to work.

This section does not preclude discipline or dismissal action for a shorter period of absence of sufficient seriousness.

(Ord. 2017-26. Passed 9-18-17.)

### **133.12 PERFORMANCE EVALUATION.**

The Director of Administration shall require supervisors to complete annually evaluation reports of each non-probationary employee. Such reports shall be on forms provided by the Director. The completed evaluation report shall be presented to the employee for review and discussion, and must be signed by the employee. No alterations shall be made to the evaluation report after it has been signed by the employee.

When the evaluation report has been marked, reviewed and signed, a copy shall be furnished to the employee, a copy shall be retained in the employee's department, and the original shall be sent to the Director.

Any permanent employee who receives a performance rating average of less than satisfactory shall have ten days from receipt of notice thereof to file an appeal with the Civil Service Commission setting forth supporting facts and evidence that the performance rating was not properly determined. The Director shall, prior to the Commission hearing, inquire of the employee, the employee's supervisors, and the appointing authority with respect to the appeal, and submit a report of findings to the Commission. The Commission may amend a performance rating that averages less than satisfactory if it ascertains that the rating was determined arbitrarily or totally without regard to actual performance. In the event an employee is rejected for promotional examination due to a less than satisfactory service rating average for the rating year preceding the examination and the ten day appeal time has not expired, the employee must file the performance rating appeal within five days of the receipt of the rejection notice, in order to be granted conditional acceptance to the examination pending the consideration of the appeal by the Commission. In the event the Commission amends the employee's performance rating to the extent necessary to qualify for the promotional examination, the examination will be graded and if a final passing grade is obtained, the employee's name will be merged to the eligible list. Such employee shall be eligible for certification thereafter in accordance with the eligible list.

(Ord. 2017-26. Passed 9-18-17.)

### 133.13 LAYOFFS AND REEMPLOYMENT.

(a) **Reduction in Personnel.** Whenever it becomes necessary to reduce the number of employees in the classified service by abolishing one or more positions, the Director of Administration shall have the power to designate the classifications, divisions and departments to be affected by such layoffs. The Director shall notify the Civil Service Commission and furnish the names of the employees in the order in which such layoffs occurred.

(b) **Order of Layoffs.** Whenever it becomes necessary to reduce the working force in a classification in any division of the City, the Director shall lay off employees inversely in order of seniority credit. No layoffs shall be affected or influenced by politics, religion, sex or race, and no layoffs shall be used as a substitute for disciplinary action.

In the event two or more employees of the same status in the same classification are subject to layoff and have the same seniority credit, the order of layoff shall be according to their final average grades on the examination passed to obtain such classification . The employee with the lowest grade shall be laid off first.

Any permanent employee who has been promoted and is subject to layoff shall be entitled to return to the position from which the employee was promoted. If such former position has been filled, the employee in that position shall be demoted into the lower position occupied prior to the promotion. This process shall continue until the most recently hired employee affected by such demotions shall be laid off.

(c) **Seniority Credit.** Seniority credit shall be the amount of continuous service an employee has accumulated in the service of the City, according to the following rules:

(1) Any permanent employee who has served as a temporary or probationary employee and who has achieved permanent status with no interruption in service shall receive seniority credit for the continuous service during the period served as a temporary or probationary employee.

(2) Part-time employees shall have their continuous service pro-rated as it relates to full-time when determining seniority credit for layoff purposes.

(3) Any leave without pay other than sick leave, injury leave or military leave shall be subtracted when computing the continuous service of an employee for purposes of determining seniority credit.

(4) The continuous service of a permanent employee who has resigned and been reinstated shall be computed from the time of the last reinstatement and no seniority credit shall accrue for service prior thereto.

(d) Re-employment List. When any permanent employee is laid off, the name of such person shall be placed at the top of the eligible list of the classification from which the employee was laid off. If there is no existing eligible list at the time, the name shall constitute one. When two or more persons have been laid off, whether at the same time or not, their names shall be placed at the top of such eligible list in the order of their appointment in the classification held by them when laid off.

Such persons shall be eligible for certification and reemployment for a period of two years thereafter, or, if sooner, until such time as the employee is removed from the eligible list for the reasons provided in Section 133.05(c).

(Ord. 2017-26. Passed 9-18-17.)

#### 133.14 DISCIPLINE.

(a) Disciplinary Action. The tenure of every employee in the classified service shall be during good behavior and efficient service. Any employee in the classified service who has completed the probationary period may be dismissed, suspended or demoted for just and reasonable cause and upon specific written charges.

(b) Disciplinary Procedure. The Mayor, Director of Administration or a department or division head of the City may prefer charges and suspend, demote or dismiss a classified employee. Such person shall serve the employee with written notice of the charges preferred and written notice of the action taken. A copy of such charges shall also be filed with the Director and the Civil Service Commission.

The disciplined employee may request a hearing with the Director to appeal the action of a department or division head, which shall be scheduled within three days after the request for appeal. Upon hearing such appeal, the Director shall issue an opinion in writing within three days after the hearing that may affirm, deny or modify the disciplinary action. Upon receiving the written opinion of the Director, or at the date of mailing the letter containing the Director's opinion, the time period for appealing to the Commission shall commence.

(c) Appeal. A suspended, demoted or dismissed employee may appeal in writing to the Commission within ten days of the delivery of charges. The Commission shall hear the



appeal not less than twenty days, or more than thirty days, after receipt of a written timely request for a hearing.

(d) **Hearing.** The hearing shall be conducted with at least two members of the Commission present. The hearing shall be in public unless waived in writing by the employee prior to the time of the hearing.

The Commission shall hear the evidence upon the specific charges as filed by the officer preferring charges. No material amendments or additions to the charges may be considered by the Commission once the charges have been filed.

The proceedings shall be as informal as is compatible with the requirements of justice, and the Commission need not be bound by formal rules of evidence or procedure. The Commission may make inquiry in the matter through oral testimony and records presented at the hearing, which is calculated to ascertain the rights of the parties and to justly carry out the provisions and spirit of the Charter and these regulations.

The testimony taken at the hearing shall be under oath, administered by the Commission. The Commission shall have the power to subpoena and require the attendance of witnesses and the production of pertinent records. The Commission may continue the hearing as is necessary and required to receive all relevant testimony and evidence.

(e) **Ruling.** The Commission by majority vote may affirm, disaffirm or modify the disciplinary action, and may award retroactive pay and benefits or other relief as appropriate. It shall report its findings and decision to the Director, who shall be required to have such decision implemented. The decision of the Commission shall be a final order, which may be appealed to the Court of Common Pleas of Wayne County within thirty days of the Commission's decision.

(f) **Demotion for Causes Other Than Disciplinary Action.** When an employee becomes physically or mentally incapacitated in the performance of the duties of a position, the Director, with approval of the employee and the Commission, may reduce the employee to a vacant position in a lower classification which the employee has the ability to fill, at a pay range assigned to such lower classification.

Such a demotion may also be made for any other reason upon the written request of the employee and consent of the Director.

(Ord. 2017-26. Passed 9-18-17.)

(a) Administration. The Civil Service Commission shall enforce the civil service laws and regulations applicable to the City. The Director of Administration shall be the administrative officer of the Commission, and may act on behalf of the Commission in administering the civil service laws and regulations, except where the authority is specifically reserved to the Commission. The Commission shall have the power to hear appeals regarding implementation of any civil service laws and regulations.

(b) Civil Service Commission. The Commission shall consist of three members appointed by the Mayor with majority consent of Council to serve for a term of six years. In accordance with §4.06 of the Charter, no member shall serve for more than twelve consecutive years. Not more than two members of the Commission shall be adherents of the same political party. An appointment to fill an interim vacancy shall be for the unexpired term of the office.

The Commission shall elect one of its members as chairman, one as vice-chairman and one as secretary. The chairman shall preside over all meetings, sign the minutes of all actions taken by the Commission, call such meetings as the Commission finds necessary to transact business and affairs of the Commission, and represent and act for the Commission in matters relating to civil service.

The chairman may, on his own initiative, and shall upon request of the other two members of the Commission, call a meeting of the Commission to be held not later than seven days after the date of the notice of the meeting. A special meeting may be called on not less than twenty-four hours' notice to the news media and the parties involved. In the absence of the chairman, the vice-chairman will act as chairman. Two members of the Commission shall constitute a quorum at any meeting of the Commission and it shall require the affirmative vote of at least two members to adopt any motion or resolution, or take any official action.

The secretary shall be elected from the members and shall keep the minutes of the Commission and administer over the files thereof. The secretary shall also prepare and deliver notices, correspondence and other communication authorized by the Commission and maintain eligibility lists. The secretary shall perform such other duties as may be required by the Commission.

(c) Suspension and Removal of Commission Member. The Mayor may at any time suspend or remove any Commission member for neglect of duty, misfeasance, nonfeasance, or malfeasance in office having first given to such member a copy of the charges setting forth the specific complaint. An opportunity shall be given such member to be publicly heard before Council, in person or by counsel in his own defense. A request for hearing before Council must be filed with the Clerk of Council within ten days of receiving the charges. Only upon the affirmative vote of the majority of the members of Council hearing such charges shall the

Commission member be removed from office. In no event shall Council hear such charges unless two-thirds of the voting membership of Council are present.

(Ord. 2017-26. Passed 9-18-17.)

ORDINANCE NO. 2024-17

AN ORDINANCE TO APPROVE AND ADOPT  
CURRENT REPLACEMENT PAGES TO THE  
CODIFIED ORDINANCES AND ALLOWING FOR  
IMMEDIATE ENACTMENT

WHEREAS, various ordinances of a general and permanent nature have been passed which should be included in the Codified Ordinances; and

WHEREAS, certain traffic and misdemeanor provisions should be revised to comply with current State law; and

WHEREAS, the codification of such ordinances, together with the new matter to be adopted, the matters to be amended and those to be repealed are before the Council;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Wooster, Ohio:

SECTION 1. That the ordinances of the City of Wooster, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2023 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

SECTION 2. That the following sections are hereby amended, enacted or repealed as respectively indicated in order to comply with current State law:

Traffic Code

301.35	School Bus. (Amended)
303.081	Impounding Vehicles on Private Residential or Agricultural Property. (Amended)
303.082	Private Tow-Away Zones. (Amended)
303.083	Impounding Vehicles on Public Property. (Amended)
303.09	Leaving Junk and Other Vehicles on Private or Public Property Without Permission or Notification. (Amended)
303.991	Committing an Offense While Distracted Penalty. (Amended)
331.35	Occupying Travel Trailer, Fifth Wheel Vehicle or Manufactured or Mobile Home While in Motion. (Amended)
331.38	Stopping for School Bus; Discharging Children. (Amended)
331.46	Restrictions on the Operation of School Buses. (Added)
333.01	OVI; Willful Misconduct; Speed. (Amended)
333.03	Maximum Speed Limits; Assured Clear Distance Ahead. (Amended)
333.11	Electronic Wireless Communication Device Use Prohibited While Driving. (Amended)
335.07	Driving Under Suspension or License Restriction. (Amended)
335.071	Driving Under OVI Suspension. (Amended)

Traffic Code (Cont.)

- 335.072 Driving Under Financial Responsibility Law Suspension or Cancellation;
- 335.073 Driving Under a Nonpayment of Judgment Suspension. (Amended)  
Driving Without Complying With License Reinstatement Requirements.  
(Amended)
- 335.074 Driving Under License Forfeiture or Child Support Suspension.  
(Amended)
- 337.16 Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amended)
- 337.22 Windshield and Windshield Wiper; Sign or Poster Thereon.  
(Amended)
- 337.26 Child Restraint System Usage. (Amended)
- 337.31 Lights and Sign on Transportation for Preschool Children. (Added)
- 339.01 Permit Required to Exceed Load Limits. (Amended)
- 341.01 Commercial Drivers Definitions. (Amended)
- 341.04 Commercial Drivers Prohibitions. (Amended)
- 341.05 Criminal Offenses. (Amended)

General Offenses Code

- 501.01 General Provisions and Penalty Definitions. (Amended)
- 501.99 Penalties for Misdemeanors. (Amended)
- 505.071 Cruelty to Companion Animals. (Amended)
- 505.12 Coloring Rabbits or Baby Poultry; Sale or Display of Poultry.  
(Amended)
- 505.16 Rights of Blind, Deaf or Hearing Impaired, or Mobility Impaired Person, or Trainer with Assistance Dog. (Added)
- 509.10 Disturbing a Lawful Meeting. (Amended)
- 509.11 Impeding Public Passage of an Emergency Service Responder.  
(Added)
- 521.16 Spreading Contagion. (Added)

SECTION 3. The complete text of the sections of the Codified Ordinances listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. As provided in Section 2.19 of the Charter, notice of the proposed revision of the Codified Ordinances shall be published one time in a newspaper of general circulation in the City at least seven days prior to its final approval and no other publication thereof shall be required.

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







2024 Bed Tax Grant Allocations

	Total Project Cost	Committed Funds	City Funds Received	Gap	Request	Narrative	Meets Comp/EDSP Plan Goal?	Competitive Grant	Direct Allocation	Total Proposed Amount
Lyric Theater	\$ 2,750,000	\$ 2,411,656	\$ 10,000	\$ 338,344	\$ 30,000	HVAC for the Theater	Yes, Arts District, Downtown Comm.	\$ 30,000	\$	\$ 30,000
Ohio Light Opera	\$ 60,000			\$ 60,000	\$ 15,000	Updating the Freeland Theater			\$ 15,000	\$ 15,000
Wayne Center Arts	\$ 1,744,400	\$ 1,331,900	Parcel Gifted	\$ 412,500	\$ 35,000	Creation of an arts park	Yes, Arts District	\$ 35,000	\$	\$ 35,000
Wayne County Fair	\$ 112,007			\$ 112,007	\$ 12,000	Fencing		\$	\$ 12,000	\$ 12,000
				\$	\$ 92,000			\$ 65,000	\$ 27,000	\$ 92,000

Res 2024-31

3

### Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

<b>Division</b> Economic Development	<b>Meeting Date Requested</b> May 6th, 2024
<b>Project Name</b> Competitive Bed Tax Grants	<b>Estimated Total Funds/Costs</b> \$92,000
<b>Is Full Amount Budgeted?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
<b>If No, How is the Purchase to be Funded?</b>	
<b>Description of Request</b> To award the competitive Bed Tax Grants to the below entities. There was a total of four (4) applicants. Attached is a breakdown of the applications.  Lyric Theater \$30,000 Ohio Light Opera \$15,000 Wayne Center For the Arts \$35,000 Wayne County Fair \$12,000	
<b>Justification / Benefits</b> All of the grants will achieve the goal of promoting economic development within the City of Wooster. Specifically, all of the projects will benefit residents and taxpayers, while promoting initiatives highlighted with the City of Wooster Comprehensive Plan.	
<b>Will this Project affect the City's Operating Costs</b> N/A	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> N/A	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons To expedite the individual projects and their completion.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Philip Turske	<b>Date:</b> 4/29/24

Approved for Agenda  Yes  No

RESOLUTION NO. 2024-32

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT FOR REPAIRS TO FOUR INTERCEPTOR WELLS AND ALLOWING FOR IMMEDIATE ENACTMENT

WHEREAS, it is immediately necessary to procure repairs to four interceptor wells; and

WHEREAS, the selected contractor was selected pursuant to WCO 160.03(c)(3); and

WHEREAS, this expenditure is budgeted.

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 a contractor for repair services.

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

SECTION 3. This Council finds that competitive bidding is not required pursuant to WCO 160.03(c)(3).

SECTION 4. The costs of this project will not exceed the amount budgeted.

SECTION 5. This Resolution is hereby declared to be necessary for 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.

Introduced: \_\_\_\_\_ Passed: \_\_\_\_\_, 2024 Vote: \_\_\_\_\_

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

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

Approved: \_\_\_\_\_, 2024

\_\_\_\_\_  
Mayor

Introduced by: Chris Malta

Res 2024-32

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### Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

<b>Division</b> Utilities	<b>Meeting Date Requested</b> May 6, 2024
<b>Project Name</b> Rehabilitate & Rebuild 4 Interceptor Wells	<b>Estimated Total Funds/Costs</b> \$100,000
<b>Is Full Amount Budgeted?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
<b>If No, How is the Purchase to be Funded?</b>	
<b>Description of Request</b> Because of the age and condition of 4 interceptor wells as well as the recent failure of 2 of those wells to pump water to the stripping towers, it is necessary to clean and rehabilitate all 4 wells. The wells were last cleaned 4-5 years ago and are clogged with iron and carbonate deposits. Well pumps will need to be rebuilt with new wear rings, bearings and column pipe.	
<b>Justification / Benefits</b> Wells and pumps need to be improved to a condition to produce sufficient water.	
<b>Will this Project affect the City's Operating Costs</b> No	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> There are no alternatives.	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Explain The Circumstances: Moody's of Dayton was selected to complete the work because of their experience and equipment.	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons Because 2 of the 4 wells have already failed, maintenance on all wells is urgent.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Mike Fritz	<b>Date:</b> April 29, 2024

Approved for Agenda  Yes  No

RESOLUTION NO. 2024-33

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT FOR CLEANING OF THREE STRIPPING TOWERS AND ALLOWING FOR IMMEDIATE ENACTMENT

WHEREAS, it is necessary to clean three stripping towers; and

WHEREAS, the selected contractor was selected pursuant to WCO 160.03(c)(3); and

WHEREAS, this expenditure is budgeted.

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 a contractor for cleaning services.

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

SECTION 3. This Council finds that competitive bidding is not required pursuant to WCO 160.03(c)(3).

SECTION 4. The costs of this project will not exceed the amount budgeted.

SECTION 5. This Resolution is hereby declared to be necessary for 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.

Introduced: \_\_\_\_\_ Passed: \_\_\_\_\_, 2024 Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2024  
Mayor

Introduced by: Chris Malta

Res 2024-33

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### Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

<b>Division</b> Utilities	<b>Meeting Date Requested</b> May 6, 2024
<b>Project Name</b> Cleaning of 3 Stripping Towers	<b>Estimated Total Funds/Costs</b> \$60,000
<b>Is Full Amount Budgeted?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
<b>If No, How is the Purchase to be Funded?</b>	
<b>Description of Request</b> Annual cleaning of Stripping Towers I-2, I-6 and I-7; two times each.  Costs: I-2 - \$7,000 x 2 = \$14,000 I-6 - \$10,000 x 2 = \$20,000 I-7 - \$13,000 x 2 = \$26,000	
<b>Justification / Benefits</b> Stripping tower cleaning must be performed to meet permit limits for NPDES permit.	
<b>Will this Project affect the City's Operating Costs</b> No	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> There are no alternatives.	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>If Yes, Explain The Circumstances:</b> There is only one contractor located locally to perform this specialized work. Related Ventures Inc. has the needed experience and equipment.	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>If Yes, Note Reasons</b> The work needs to be completed as soon as possible.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Mike Fritz	<b>Date:</b> April 29, 2024

**Approved for Agenda**  Yes  No