

**WOOSTER CITY COUNCIL AGENDA**

**\*\*REVISED\*\***

**March 16, 2015**

**7:30 p.m.**

The meeting will be held 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**
- VI. OLD BUSINESS**
- VII. NEW BUSINESS**

- 1. First Reading – ORDINANCE NO. 2015-07 AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO CONSOLIDATE FUNDS (Ansel)
  
- 2. First Reading – ORDINANCE NO. 2015-08 AN ORDINANCE AMENDING CHAPTER 743, TAXICABS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO (Knapic)
  
- 3. First Reading – ORDINANCE NO. 2015-09 AN ORDINANCE AMENDING ORDINANCE NO. 2012-25 BY AUTHORIZING THE MAYOR TO TRANSFER THE COMMUNITY REINVESTMENT AREA AGREEMENT THEREUNDER FROM THE CURRENT OWNER TO A NEW OWNER, AND DECLARING AN EMERGENCY (Ansel)
  
- 4. First Reading – RESOLUTION NO. 2015-29 A RESOLUTION DECLARING THE INTENT OF THE MUNICIPAL GOVERNMENT TO APPROPRIATE CERTAIN PROPERTY INTERESTS FROM A PROPERTY OWNER LOCATED ON BURBANK ROAD FOR THE PUBLIC PURPOSE OF CONSTRUCTING A SAFETY SERVICES FACILITY, AND DECLARING AN EMERGENCY (Knapic)
  
- 5. First Reading – RESOLUTION NO. 2015-30 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO APPLY FOR A GRANT FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR IMPROVEMENTS TO THE PLAYGROUND AT CHRISTMAS RUN PARK; TO ACCEPT SUCH A GRANT IF AWARDED; TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY (Myers)
  
- 6. First Reading – RESOLUTION NO. 2015-31 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR PROVIDING RESIDENTIAL COLLECTION, TRANSPORTATION AND DISPOSAL OF SOLID WASTE AND RECYCLABLES, AND DECLARING AN EMERGENCY (Myers)
  
- 7. First Reading – RESOLUTION NO. 2015-32 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO RENEW AN AGREEMENT WITH THE STATE OF OHIO, DEVELOPMENT SERVICES AGENCY FOR THE ADMINISTRATION OF A REVOLVING LOAN FUND, AND DECLARING AN EMERGENCY (Ansel)

8. First Reading – RESOLUTION 2015-33 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT TO PARTICIPATE IN THE ODOT COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY (Ansel)

**VIII. EXECUTIVE SESSION** (To discuss pending litigation)

**IX. MISCELLANEOUS**

**X. ADJOURNMENT**

# Memo

**To:** Members of Wooster City Council  
**From:** Mayor Bob Breneman *RFB*  
**Date:** March 16, 2015  
**Re:** Boards and Commissions

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Dear City Council members,

I am requesting that you appoint the following people to form our city's mandated Compensation Commission as stated in our City Charter in Section 2.03 COMPENSATION AND BONDS. Our Charter was revised in this Section on November 2, 2010 by adding the following language: *"Commencing on or about January 1, 2011, and every four years thereafter, Council, in consultation with the Mayor, will appoint a Compensation Commission consisting of nine resident electors who will be charged with reviewing and making recommendations to the Mayor and Council of the amounts to be paid the Mayor and members of Council. No more than five members of the Compensation Commission shall be of the same political party."*

I made the announcement in my Mayor's Report at the February 17<sup>th</sup>, 2015 Council meeting that we needed to form this commission, and asked that each Council person, the Council President, and myself give the names of two people who they believed would be good candidates for this commission to Amy Hamilton, Clerk of Council. After allowing over two weeks to respond, I asked Mr. Buytendyk (Council President), Jon Ansel (Finance Chair and President Pro-Tem), and myself to meet to glean the potential candidates into an "ask" list which would form the commission under the guidelines of our Charter, which we did on March 6, 2015. Since that time, I have been contacting the candidates, and have the following list to Recommend to City Council and ask for your approval. The list is:

## **Compensation Commission for 2015.**

- |                   |        |            |
|-------------------|--------|------------|
| • Sherry Kryder   | Ward 1 | Republican |
| • Mark Gooch      | Ward 2 | Democrat   |
| • MacKenzie Haiss | Ward 2 | Republican |
| • Inell Keller    | Ward 3 | Democrat   |
| • Rick Dice       | Ward 3 | Republican |
| • Paul Williams   | Ward 4 | Republican |
| • Frank Rasmussen | Ward 4 | Democrat   |
| • Alan Kiefer     | Ward 4 | Republican |
| • Phil Mariola    | Ward 4 | Democrat   |

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Total:                    9 members                    5 Republicans and 4 Democrats

Thank you for your help and consideration of this important Commission.



**Request for Agenda Item  
Non-Capital**

**Division**  **Meeting Date Requested**

**Project Name**   **Approved for Agenda**

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

The City has two economic development revolving loan funds that started with Community Development Block Grant economic development funds. The goal of both funds is to encourage the expansion and stability of the economic base and encourage increased employment opportunities. One fund was set up specifically for downtown use only. On March 6, 2015 we received a directive from State of Ohio Office of Community Development instructing communities to consolidate all existing balances in these two funds to a single economic development revolving loan fund. This consolidation must be completed by 12/31/2015.

I am asking for Council approval to transfer the balance in the CDBG Downtown Loan Fund (#509) to the CDBG Economic Development Loan Fund (#508) in accordance with the March 6, 2015 directive from the State of Ohio Office of Community Development. The current cash balance in the CDBG Downtown Loan Fund (#509) is \$15,841.05. The current cash balance in the CDBG Economic Development Loan Fund (#508) is \$14,732.57. After the consolidation of these two funds, the CDBG Economic Development Loan Fund (#508) will have a cash balance of \$30,573.62. The CDBG Downtown Loan Fund (#509) will no longer exist.

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

**Manager Requesting**

**Date**

**Approved for Agenda**

*Ord #7*



**CHAPTER 743**  
**Taxicabs**

743.01	<b>Definition.</b>	743.08	<b>Posting of rates in vehicle.</b>
743.02	<b>Taxicab and taxi driver's licenses required.</b>	743.09	<b>Taxi driver's license.</b>
743.03	<b>Director may promulgate regulations</b>	743.10	<b>Display of taxi driver's license.</b>
743.04	<b>Annual taxicab license fee.</b>	743.11	<b>Suspension of taxicab or taxicab driver's license.</b>
743.05	<b>Issuance of taxicab license.</b>	743.12	<b>Appeal of license suspension.</b>
743.06	<b>Taxicab reserved standing or parking places.</b>	743.99	<b>Penalty.</b>
743.07	<b>Identification of taxicabs.</b>		

**CROSS REFERENCES**

Power to regulate - see Ohio R.C. 715.22, 715.66

Power to establish stands and fix rates - see Ohio R.C. 715.25;  
TRAF. 305.04 (1)

Chauffeur's license not required - see Ohio R.C.. 4501.01

Operation by minor prohibited - see Ohio R.C. 4507.321

Operation and equipment - see TRAF. CODE

Use of taxicab and bus stands - see TRAF. 351.10

**743.01 DEFINITION.**

Unless otherwise expressly stated, when used in this chapter the following terms shall have the meanings provided in this section:

- (a) "City" shall mean the City of Wooster, Ohio.
- (b) "Director" shall mean the Director of Administration of the City of Wooster or his/her designee.
- (c) "Street" means any public street, alley or public way within the corporate limits of the City of Wooster.
- (d) "Taxicab company" means every corporation, company, association, joint stock association, person, firm or partnership, their lessees, trustees, receivers or trustees appointed by any court, owning, controlling, operating, maintaining or managing three or more taxicabs within the City of Wooster.
- (e) "Taxi" or "Taxicab" means any motor driven vehicle engaged in the business of carrying passengers for hire or fare or offered for hire or fare (including the solicitation or acceptance of donations) to the public for transportation, operating within the City of Wooster, except motor buses on regular schedules and other regularly established routes.
- (f) "Taxi driver" means any person who drives or operates a taxicab for hire or fare and who is in actual physical control of a taxicab on the streets of the City of Wooster.
- (g) "Taxicab stand" means any portion of the street and curb space set apart for and designated as space for the standing of taxicabs in conformity with provisions of this chapter.

**743.02 TAXICAB AND TAXI DRIVER'S LICENSES REQUIRED.**

No person shall operate a taxicab for hire in the City unless a valid taxicab license is in effect for the taxicab, and the driver thereof possesses a valid taxi driver's license.

### **743.03 DIRECTOR MAY PROMULGATE REGULATIONS**

The Director, in consultation with the Chief of Police, may from time-to-time promulgate regulations for the operation of taxicabs within the City. Such regulations will be published and made available to those who may request a copy thereof.

### **743.04 ANNUAL TAXICAB LICENSE FEE.**

Every person engaged in the business of operating one or more taxicabs shall pay to the Director an annual license fee in accordance with the schedule of fees established by the Director pursuant to Chapter 1347 of the Codified Ordinances, and shall comply with all provisions of this chapter and any other ordinance pertaining to the regulation of taxicabs.

### **743.05 ISSUANCE OF TAXICAB LICENSE.**

The Director shall issue an annual taxicab license for each taxicab operated in the City, provided that proof is furnished that the following requirements have been met for each taxicab:

- (a) Fee required by Section 743.04 shall have been paid;
- (b) Vehicle identification shall comply with Section 743.07;
- (c) Vehicle must meet all motor vehicle equipment, safety and accessibility requirements of these Codified Ordinances, the Ohio Revised Code, and relevant federal laws;
- (d) Vehicle must be covered by public liability insurance in amounts of coverage established by the City Finance Director; and
- (e) Such other requirements as the Director, in consultation with the Chief of Police, may from time-to-time adopt.

### **743.06 TAXICAB RESERVED STANDING OR PARKING PLACES.**

The Director, in consultation with the Traffic Commission, is authorized to establish such reserved parking or standing spaces on the public streets for the exclusive use of taxicabs as will serve the best interests of the public.

### **743.07 IDENTIFICATION OF TAXICABS.**

(a) Every person owning and operating a taxicab who obtains a license from the City may adopt any trade name, design, color scheme or method of painting or lettering such taxicab as is approved by the Director. Such trade name, design, color scheme or method of painting or lettering shall include the following matter:

- (1) A serial number assigned by the Director to each taxicab and painted on each side and on the rear of the taxicab.
- (2) The name of the owner or the trade name under which he does business, painted on each side of the taxicab.

(b) Whenever the name of the owner or the trade name under which he does business does not include any one of the words "taxicab," or "taxi," or "cab," then the word "taxicab" shall be painted on each side of the taxicab immediately beneath such name.

(c) Whenever any person owning or operating taxicabs does not adopt and use an approved trade name, design, color scheme or method of painting and lettering as hereinabove mentioned, then it shall be mandatory for such person to paint the following matter on his taxicabs:

- (1) A frame panel no less than fifteen inches wide by twenty inches high, painted on each side of the taxicab, and enclosing on separate

lines the name of the owner, the word "taxicab," and the serial body number assigned by the Director.

- (2) The serial body number assigned to the taxicab by the Director, painted on the rear exterior of the taxicab.

(d) All mandatory lettering and working, whether in a particular trade name, design, color scheme, method of painting or lettering, or otherwise, as hereinabove provided, shall be at least three inches in height, and of such color as will contrast distinctly with the body color. The serial body numbers on the sides and rear shall be no less than four inches in height.

#### **743.08 POSTING OF RATES IN VEHICLE.**

It shall be the duty of each taxicab owner to cause to be posted in a conspicuous place within the vehicle a placard containing in legible words and numbers the name of the taxicab company; the rates in effect; and a telephone number that a customer may call to discuss questions or concerns pertaining to the operation of the taxicab.

#### **743.09 TAXI DRIVER'S LICENSE.**

(a) Every driver of a taxicab which operates in the City must possess a valid taxicab driver's license issued by the Director in accordance with this chapter.

(b) Every applicant for a taxi driver's license shall pay to the Director a license fee in accordance with the schedule of fees established by the Director pursuant to Chapter 1347 of the Codified Ordinances at the time the original or renewal application is filed.

(c) Upon verification that the applicant has paid the necessary license fee and meets all requirements of this chapter, the Director shall issue a taxi driver's license, which shall include a photograph of the licensee. Such license will be valid for a period of one (1) year, and must be renewed annually.

(d) Every applicant for a taxi driver's license must present acceptable proof to the Director that s/he meets the following license requirements before a license may be issued, and s/he must continue to meet these requirements in order for any license issued to remain valid:

- (1) At least eighteen (18) years of age;
- (2) Possess a valid Ohio motor vehicle operator's license;
- (3) Have no more than six points on his/her driver's record as established by Ohio R.C. 4507.40;
- (4) Have no convictions for a felony or a misdemeanor offense of violence; or a felony or misdemeanor offense involving alcohol or drugs; or a felony or misdemeanor sex offense or otherwise involving an offense of moral turpitude, as determined by submitting, at the applicant's expense, fingerprints for an FBI (federal) and BCI (civilian) criminal records check completed by the Bureau of Criminal Identification and Investigation (BCI).

#### **743.10 DISPLAY OF TAXI DRIVER'S LICENSE.**

Every person driving a taxicab in the City shall post his/her taxicab driver's license within the taxicab in a position where it may clearly be read by passengers in the vehicle.

**743.11 SUSPENSION OF TAXICAB OR TAXICAB DRIVER'S LICENSE.**

At any time the Director becomes aware of the failure of a taxicab owner to meet the requirements of Section 743.05 for any taxicab(s) or of the failure of any taxicab driver to meet the requirements of Section 743.09, s/he shall suspend the taxicab or taxicab driver's license by notifying the license holder by certified mail at the address shown on the license application. Such license may be reinstated by the Director at such time as all requirements of this chapter are met.

**743.12 APPEAL OF LICENSE SUSPENSION.**

Any license holder whose license is suspended in accordance with Section 743.11 above, may appeal such suspension by notice to the Director in writing and mailed or delivered to the Director within ten (10) days of the receipt of the notice of suspension. Upon receipt of such notice, the Director shall schedule a hearing to be held not later than five (5) days after receipt of the notice of appeal. Within five (5) days following the hearing, the Director shall mail notice of his/her decision by first class mail to the license holder.

**743.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a minor misdemeanor, and a separate offense shall be deemed to occur on or during each day on which a violation occurs.

ORDINANCE NO. 2015-09

AN ORDINANCE AMENDING ORDINANCE NO. 2012-25 BY AUTHORIZING THE MAYOR TO TRANSFER THE COMMUNITY REINVESTMENT AREA AGREEMENT THEREUNDER FROM THE CURRENT OWNER TO A NEW OWNER, AND DECLARING AN EMERGENCY

WHEREAS, this City Council, in Ordinance No. 2012-25, authorized the Mayor to enter into an agreement with G & G Properties of Ohio, LLC, for Community Reinvestment Area Tax Incentives, including a capital investment of up to \$320,000.00 for renovation of an existing facility located at 144 W. Liberty Street in downtown Wooster, with abatement of real estate taxes for a period of twelve (12) years; and

WHEREAS, G & G Properties of Ohio, LLC now desires to sell the property to TAJ Investments, Ltd., and seeks the approval of this Council to transfer its rights and responsibilities under the existing Community Reinvestment Area Agreement to the new owner, all within the term of the existing CRA agreement; and

WHEREAS, the executive committee of the Wooster Growth Corporation, the City's agent for economic development, has reviewed the proposed transaction and hereby recommends the same.

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

SECTION 1. That Ordinance No. 2012-25 is hereby amended to provide that the Mayor, on behalf of the City of Wooster, is hereby authorized to enter into an *amended* agreement with TAJ Investments, Ltd. by which the latter will be substituted as the Enterprise, and thus eligible for the remaining CRA tax incentives thereunder. It is expressly understood that the new owner will assume the CRA agreement as it was originally executed and as it presently exists; that the terms thereunder will remain unchanged except as to identity of the new owner as the Enterprise; and that the new owner will be required to meet all of the Enterprise's obligations thereunder.

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

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

1st reading \_\_\_\_\_ 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2015 Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2015  
Mayor

Introduced by: Jon Ansel

## Request for Agenda Item Non-Capital

**Division**  **Meeting Date Requested**

**Project Name**   **Approved for Agenda**

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

Council's consideration is requested in authorizing the Mayor, on the City's behalf, to modify the City's Community Reinvestment Area Agreement (CRA) Agreement 12-004 with G & G Properties of Ohio LLC, which was made to aid with the revitalization of 144 W. Liberty Street in Downtown Wooster, to allow the agreement to be transferred to a prospective new building owner. G & G Properties of Ohio LLC has negotiated a sale of its property to Taj Investments Ltd, which is a company owned in part by the proprietors of Wootown Properties LLC (Travis Snyder) and Spoon Market (Jeff Smith). As part of the negotiations, Taj Investments Ltd had sought to retain the Community Reinvestment Area tax abatement on the building.

Council originally authorized the Mayor to enter into this CRA Agreement with G & G Properties of Ohio LLC on 1 October 2012, with the commitment that two jobs would be retained with at least \$32,032 combined payroll and that \$320,000 in renovations would be completed. The agreement provided a 100 percent abatement for 12 years, which expires at the end of 2025. As a result of the agreement, substantial renovation work was accomplished, providing first-floor retail space, second floor event center space, and installing certain residential improvements for two residential units on the third floor.

As of the most recent state filing, completed in March of 2014 to assess the business's 2013 performance, G & G Properties of Ohio reported a total investment of \$330,000 in property investment and \$28,935 (within 10 percent of its commitment). While the company did not benefit from a tax savings in 2013 (paid in 2014), it did pay \$8,506 in property taxes. 2014 is the first year the CRA will produce a savings, estimated at approximately \$2,000 annually.

The City received its CRA Application from Taj Investments Ltd requesting the CRA transfer on 5 March 2015. This was later accompanied by a letter from G & G Properties of Ohio LLC requesting that the City "modify its current agreement to allow a new prospective owner (Taj Investments Ltd.) to receive the same benefits, as this benefit has been part of our negotiations to sell our building."

Taj Investments Ltd intends to complete the unfinished two residential units on the third floor, while continuing to manage the second floor as an event and reception space. Spoon Market, currently located one block away at 147 S. Market Street, intends to relocate its deli retail and restaurant operations to the first floor of 144 W. Liberty Street, keeping seven jobs in Downtown.

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

The purchase of 144 W. Liberty Street was negotiated between two private parties with the hope that Taj Investments Ltd's application for a transfer would be approved. A suspension of rules is *recommended* in order to enable a time-sensitive closing.

**Manager Requesting**

**Date**

**Approved for Agenda**

RESOLUTION NO. 2015-29

A RESOLUTION DECLARING THE INTENT OF THE MUNICIPAL GOVERNMENT TO APPROPRIATE CERTAIN PROPERTY INTERESTS FROM A PROPERTY OWNER LOCATED ON BURBANK ROAD FOR THE PUBLIC PURPOSE OF CONSTRUCTING A SAFETY SERVICES FACILITY, AND DECLARING AN EMERGENCY

WHEREAS, this Council hereby declares it necessary to construct a new safety services facility in the north end of the city of Wooster in order to provide adequate and timely police and fire protection and emergency medical services for the safety and benefit of residences and businesses in Wooster's north end; and

WHEREAS, time is of the essence in completing the process of property acquisition in order to facilitate this project, and the city administration, despite all reasonable efforts, has been unable to conclude an agreement for obtaining certain property interests with one of the property owners in the aforementioned area, Blair L. Shallenberger, Jr., who owns the following described property: 3365 Burbank Road, PPN 67-01085.000.

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

SECTION 1. That this City Council considers it necessary and declares its intention to appropriate the fee simple interest in and to the premises as more particularly described in the attached Exhibit A for the public purpose of constructing a safety services facility to support the provision of police, fire and emergency medical services to the general public.

SECTION 2. The Mayor is authorized and directed to cause written notice of the passage of this Resolution to be given to the owners and persons in possession of or having an interest of record in each premises. The notice shall be served and returned according to law.

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

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

1st reading \_\_\_\_\_ 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2015 Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2015  
Mayor

Introduced by: Barbara Knapic

**Exhibit "A"****LEGAL DESCRIPTION OF REAL PROPERTY**

Situated in the City of Wooster (T-16, R-13), Northeast Quarter of Section 28, County of Wayne and State of Ohio:

Commencing at a stone in the northwest corner of the Northeast Quarter of Section 28; thence South 86° 41' East along the quarter section line and in the center of a public road 417.2 feet to an iron pin; thence South 22° 35' East along the center of a public road 1,025.86 feet to an iron pin, the PLACE OF BEGINNING for the tract herein described;

THENCE WITH THE FOLLOWING SIX (6) COURSES:

1. Thence continuing South 22° 35' East along the center of a public road 175.1 feet to an iron pin;
2. Thence North 75° 26' East 155.42 feet to an iron pin;
3. Thence North 04° 31' West 152.9 feet to an iron pin;
4. Thence South 87° 39' West 23.68 feet to an iron pin;
5. Thence South 02° 21' East 12.0 feet to an iron pin;
6. Thence South 84° 39' West 183.12 feet to the PLACE OF BEGINNING containing 0.65 acres, more or less, but subject to all legal highways.

See Survey "W"-321B.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PREMISES:

Situated in the City of Wooster (T-16, R-13), Northeast Quarter of Section 28, County of Wayne and State of Ohio:

PARCEL NO. 17WD

Commencing at a stone found at the southwest corner of the Northeast Quarter of Section 28, T-16N, R-13W;

Thence North 89° 56' 31" West 1291.87 feet along the quarter section line to an iron pin found in a monument box at Station 80+00.00 in the Centerline of Survey for Burbank Road (south) as shown on the Centerline Survey Plat for Burbank and Friendsville Roads Reconstruction as recorded in Plat Volume 23, Page 438 of the Plat Records of Wayne County;

Thence North 02° 34' 38" West 832.99 feet along the original Centerline for Burbank Road to an iron bar found 0.31 feet east of and at right angles to centerline station 88+32.99;

Thence North 25° 59' 08" West 838.36 feet to a point being centerline station 205+97.41 of relocated Burbank Road (north), said point being the southwest corner of the land of the grantor, said point also being the TRUE PLACE OF BEGINNING for the parcel herein described;

THENCE WITH THE FOLLOWING FOUR (4) COURSES:

1. Thence continuing North 25° 59' 08" West 176.16 feet along the centerline of relocated Burbank Road (north), the east line of the Baab Allotment as recorded in Plat Volume 22, Page 474 of the Plat Records of Wayne County and the east line of lands conveyed to Buehler Food Markets, Inc. as recorded in O.R. Volume 59, Page 680 to a point being centerline station 207+73.58;
2. Thence North 81° 18' 53" East 31.42 feet along the south line of lands conveyed to Samuel C. and Fleeta B. Fleming, or survivor as recorded in Deed Volume 701, Page 682 to an iron pin set 30.00 feet west of and at right angles to centerline station 207+64.23;
3. Thence South 25° 59' 08" East 170.85 feet to an iron pin set in the north line of lands conveyed to M. Kelly and Rebecca Cruise as recorded in Deed Volume 667, Page 654 being 30.00 feet west of and at right angles to centerline station 205+93.39;
4. Thence South 71° 39' 34" West 30.27 feet along the north line of Cruise to the TRUE PLACE OF BEGINNING containing 5205.13 square feet of land, all of which is present road occupied, but subject to all easements or reservations of record that may pertain to this parcel.

Grantor reserves the right of ingress and egress to and from any residual area.

This description was prepared under the supervision of William H. Long, P.S. 6505 from a survey made by Engineering Associates, Inc. The iron pins set are 3/4 inch diameter rebar, 30 inches in length topped with an identification cap marked ENGINEERING ASSOCIATES. The bearings referred to herein are relative to Grid North on the Ohio State Plane Coordinate System NAD83.

LEAVING IN THE PARCEL HEREIN DESCRIBED, 0.531 ACRE, BE THE SAME MORE OR LESS, BUT SUBJECT TO ALL LEGAL HIGHWAYS.

Parcel Number: 67-01085.000

For last preceding instrument of title, see Volume 611, Page 2326, Official Records of Wayne County, Ohio.

[end of Exhibit "A"]



**Request for Agenda Item  
Non-Capital**

**Division**  **Meeting Date Requested**

**Project Name**   **Approved for Agenda**

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

Requested is Council's authorization allowing the Director of Administration to apply for a grant, up to \$62,385, from the Ohio Department of Natural Resources (ODNR) for the reconstruction of the Kiwanis Bob Tuck playground at Christmas Run; to accept such a grant if awarded; to execute any necessary documents in connection therewith, and declaring an emergency.

The current playground is facing demolition in 2015, having exceeded its intended lifespan, continues to deteriorate, fails to meet updated Americans with Disabilities Act design standards, and rests above a disintegrating waterline. With the playground's immense size and an estimated \$300,800 replacement cost, the rebuilding task is a massive undertaking. The Wooster Kiwanis Club has partnered with the City to raise a substantial portion of the funding required to cover the projected costs. The City is reaching out to its other partners and seeking grants to reconstruct the playground to assist with the expenses. The rebuilding project would commence in late Autumn or early Spring, depending upon funding, weather, and availability of volunteers.

The ODNR Natureworks Grant, which is offering a 75 percent reimbursement grant up to \$62,385 for recreational developments in Wayne County for 2015, is uniquely suited for playground revitalization projects, and would be instrumental in ensuring that the City and Kiwanis could, at a minimum, replace the existing playground. Additional funding would be reinvested in supplying extra equipment and amenities at the playground.

The current playground features over 8,600 ft<sup>2</sup> of platform area equipped with climbing bars and slides, resting on a 13,000 ft<sup>2</sup> play area offering swings and play stations at Christmas Run Park, which welcomes 1,000 weekly visitors. A new playground will welcome future generations of children, including those struggling with a disability, with a place to play, learn, grow, and create friendships in Wayne County for decades more.

In 2014, Council approved Resolution 2014-56, authorizing an ODNR NatureWorks Grant Application, which resulted in the award of a \$19,800 grant to chip, seal, and mark existing parking at the Wooster Soccer Complex.

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

The grant application is due no later than May 1, 2015. Full authorization must be granted prior to this date in order to apply for funding.

**Manager Requesting**

**Date**

**Approved for Agenda**

*Res #30*



The City of Wooster

## ***Kiwanis Bob Tuck Playground Current Depiction***

*Please Note: Public Bid Process must be followed for design-build project.*

### ***THE NEED FOR THE FUTURE***

*Christmas Run has over 1,000 visitors each week and is within 2,500-ft of two elementary schools. Existing 8,600ft<sup>2</sup> structure has served Wayne County for over 20 years and is now deteriorating.*

*ADA Lawsuit against City cites playground is no longer compliant with federal law. A new and accessible playground will welcome all children.*

*Waterline breaks and underground insect damage forced the playground to close several times in 2014. Continuing maintenance is not economical. Structure will again be closed in 2015 to replace and re-route a disintegrating waterline.*



*The Wooster Kiwanis Club is committed to helping the City rebuilding the largest playground in Wayne County. The playground will be demolished in Autumn of 2015, with a late Autumn or early Spring Re-Build, depending on funding and availability of resources.*



Replacing existing 8,600ft<sup>2</sup> structure is a similarly-sized new ADA-compliant structure, welcoming all children.

# WOOSTER, OH

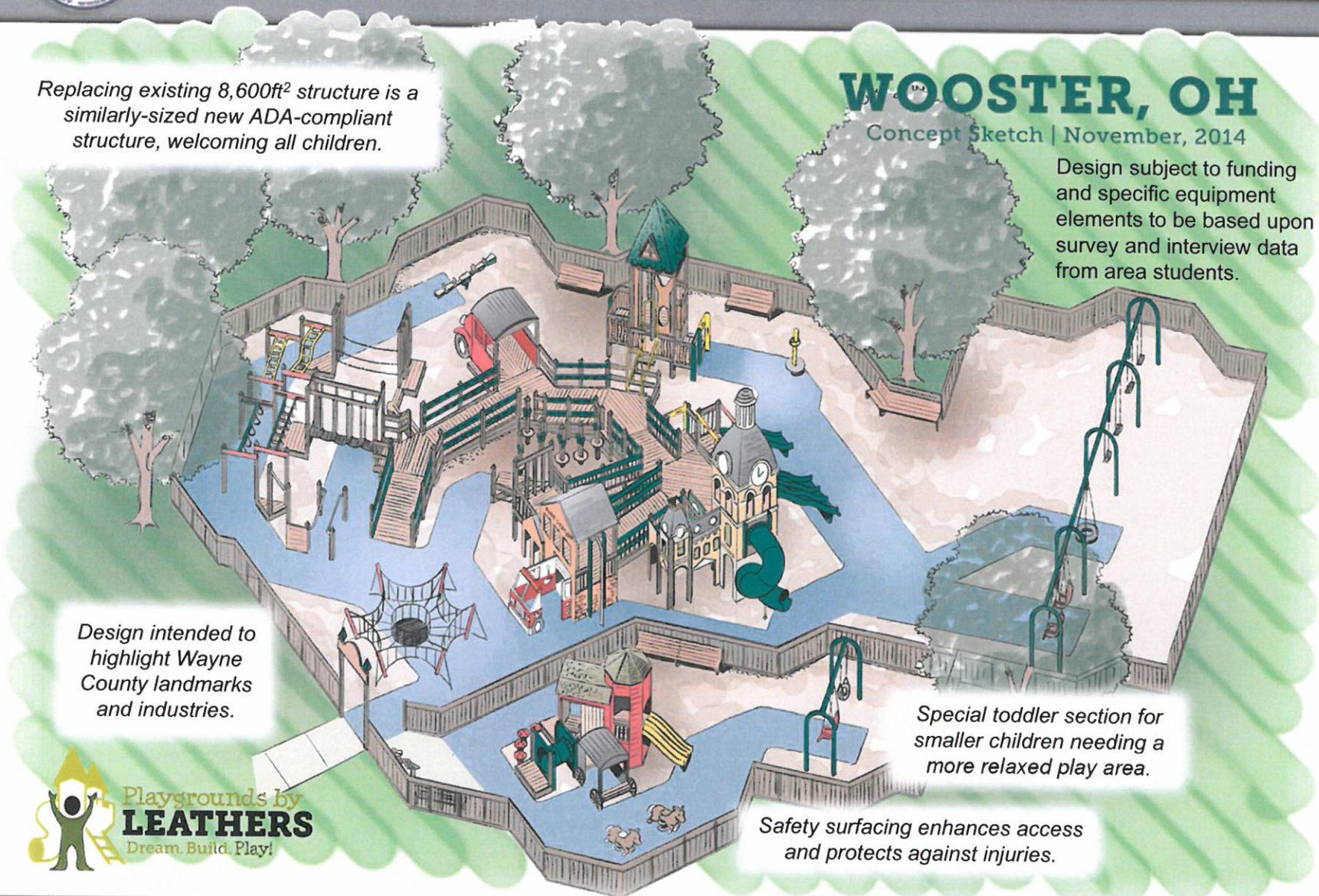
Concept Sketch | November, 2014

Design subject to funding and specific equipment elements to be based upon survey and interview data from area students.

Design intended to highlight Wayne County landmarks and industries.

Special toddler section for smaller children needing a more relaxed play area.

Safety surfacing enhances access and protects against injuries.





The City of Wooster

*Kiwanis Bob Tuck Playground  
Other Examples of New Trends*

*Please Note: Public Bid Process must be followed for design-build project.*

**Mechanicsburg PA  
Adventure Zone**



**Prosper TX  
Windmill Playground**





**Request for Agenda Item  
Non-Capital**

**Division**  **Meeting Date Requested**

**Project Name**   **Approved for Agenda**

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

Sought is Council's authorization for the Director of Administration to advertise for bid and to award a City-Wide Waste and Recycling collection service, with an optional Yard Waste collection service contract. Said contract(s) would span three years, with one two-year extension upon mutual agreement between the City and the selected contractor(s). This contract is similar to previously awarded contracts in 2008.

The City has historically contracted with an independent firm for waste and recycling collection from approximately 8,400 households. The contract with the current firm, Waste Management, is set to expire 30 June 2015, and a new contract is needed. The City is neither staffed nor equipped to perform this function independently.

Pricing for various options will be requested, including costs for maintaining the current standard of service (collection of trash bags and recycling bin contents), along with other collection options (collection of trash via contractor-supplied rolling containers and recycling containers) and yard waste recycling. Please note that an alteration to the existing legislation (*Ord. 945.3 – Collection and Disposal*) would be required to allow for waste collection containers to be used in addition to the current bag pick-up service.

Thank you for your consideration.

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

This contract expires 30 June 2015. A suspension of the rules is recommended to allow additional time for a selected contractor to set-up operations following an award.

**Manager Requesting**

**Date**

**Approved for Agenda**

RESOLUTION NO. 2015-32

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO RENEW AN AGREEMENT WITH THE STATE OF OHIO, DEVELOPMENT SERVICES AGENCY FOR THE ADMINISTRATION OF A REVOLVING LOAN FUND, AND DECLARING AN EMERGENCY

WHEREAS, the State of Ohio, Ohio Development Services Agency, through its Office of Community Development, has federal Community Development Block Grant funds available to local governments through the establishment of revolving loan funds to encourage the expansion and stability of the local economic base and increased employment opportunities; and

WHEREAS, in the past the City of Wooster has contracted with the Ohio Development Services Agency for the ongoing administration of the City's Revolving Loan Fund, and now seeks authority to renew the existing agreement for another three year term.

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

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

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

SECTION 3. This Resolution is hereby declared to be an emergency measure 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 opportunities for community economic development; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading \_\_\_\_\_ 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2015 Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2015  
Mayor

Introduced by: Jon Ansel

**Request for Agenda Item  
Non-Capital**

**Division**  **Meeting Date Requested**

**Project Name**   **Approved for Agenda**

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

Council's authorization is requested to allow the Director of Administration to enter into an Economic Development Revolving Loan Fund (ED-RLF) Agreement with the Ohio Development Services Agency (ODSA) for the on-going management of the City's revolving loan funds. Specifically, the City operates two RLFs, one dedicated toward Downtown façade renovations, and another dedicated toward helping small businesses with gap-financing for equipment purchases.

Every three years, the City is required to renew its revolving loan fund administration agreement with the ODSA. This agreement dictates how the City and ODSA will work to administer the City's state-funded ED-RLF accounts, which are dedicated to assisting small businesses. The ED-RLF exists to help encourage commercial investment and aid job creation in Wooster. Much of the funding for the ED-RLF is obtained through Community Development Block Grant (CDBG) monies that are recaptured from similar projects, such as when a small business pays back its loan for its equipment.

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

The agreement must be returned by April 15, 2015.

**Manager Requesting**

**Date**

**Approved for Agenda**

RESOLUTION 2015-33

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT TO PARTICIPATE IN THE ODOT COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY

WHEREAS, Section 5513.01 (B) of the Ohio Revised Code provides the opportunity for Counties, Townships, Municipal Corporations, Conservancy Districts, Township Park Districts, Park Districts created under Chapter 1545 of the Revised Code, Port Authorities, Regional Transit Authorities, Regional Airport Authorities, Regional Water and Sewer Districts, County Transit Boards, State Universities or Colleges to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies or other articles.

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

SECTION 1. That the Director of Administration is hereby authorized to participate in the Ohio Department of Transportation Summer (418-16) and/or Winter (01 8-16) contracts for road salt.

SECTION 2. That the Director of Administration is hereby authorized to agree in the name of the City of Wooster to be bound by all terms and conditions as the Director of Transportation prescribes.

SECTION 3. That the Director of Administration is hereby authorized to agree in the name of the City of Wooster to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the City of Wooster participates, for items it receives pursuant to the contract.

SECTION 4. That the City of Wooster agrees to be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01 (B) of the Ohio Revised Code. The City of Wooster agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the (Political Subdivision) may have or claim to have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees.

SECTION 5. This Resolution is hereby declared to be an emergency measure 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; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading \_\_\_\_\_ 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2015 Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2015  
Mayor

Introduced by: Jon Ansel

**Request for Agenda Item  
Non-Capital**

**Division**  **Meeting Date Requested**

**Project Name**   **Approved for Agenda**

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

The City is looking to purchase approximately 4000 ton of salt this year in preparation for next winter. With the increased demand for salt across the state and region and the uncertainty of the salt suppliers willing to provide the City salt on an independent contract it is essential that the City enter into this agreement with the Ohio Department of Transportation Cooperative Purchasing Program. The buying power that ODOT provides will hopefully help keep the prices at bay and competitive to the salt suppliers.

The reason this request is coming to Council in such short notice is because the City was just made aware of the potential partnership we could enter into with ODOT on March 10, 2015.

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

Council will need to suspend the rules and pass this resolution in its final reading because of time constraints. The ODOT contract agreement for summer fill needs to be submitted by April 3, 2015.

**Manager Requesting**

**Date**

**Approved for Agenda**