

CITY COUNCIL AGENDA – AMENDED

July 5, 2016

7:30 p.m.

All meetings are held in Council Chambers, 1st Floor, 538 N. Market Street

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

1. Second Reading- RESOLUTION NO. 2016-40
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH OHM ADVISORS FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE DOWNTOWN STREETScape (Ulbright)

VII. NEW BUSINESS

1. First Reading- ORDINANCE NO. 2016-017
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH TAMMY AND BRIAN POLEN FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY (Ansel)
2. First Reading- AMENDED RESOLUTION NO. 2016-17
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR PAVEMENT REPAIRS ON VARIOUS STREETS (Ulbright)
3. First Reading- ORDINANCE NO. 2016-18
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PREANNEXATION AGREEMENT WITH A CERTAIN PROPERTY OWNER FOR THE PURPOSE OF FACILITATING THE ANNEXATION AND EXTENSION OF UTILITY SERVICES TO THAT PROPERTY, AND DECLARING AN EMERGENCY (Sanders)
4. First Reading- ORDINANCE NO. 2016-19
AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE NO. 2015-37 (Cavin)

VII. MISCELLANEOUS

IX. ADJOURNMENT

WOOSTER CITY COUNCIL MINUTES
June 20, 2016

I. ROLL CALL & ORDERING OF AGENDA

President Mike Buytendyk called the regular meeting of Wooster City Council to order at 7:30 p.m. in council chambers. All members of City Council were present. City Administration present: Finance Director Andrei Dordea, Director of Administration Joel Montgomery, Law Directors Richard Benson and Linda Applebaum, City Engineer Roger Kobilarcsik, and Police Detective Tony Lemmon.

II. APPROVAL OF MINUTES

Councilman Ansel moved to approve the minutes of the June 6, 2016 meeting, seconded by Councilwoman Knapic. Councilman Cavin moved to approve the minutes of the June 13, 2016 meeting, seconded by Councilman Silvestri. By voice vote both motions passed unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION [None]

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

Ms. Mackenzie Haiss expressed her concerns over the proposed downtown beautification project. She felt that, as a business owner, she was not in the communication loop. She was concerned that, according to the paper, the City was going to close key alleys. Administrative Director, Joel Montgomery stated that the proposal, is just that, a proposal. The City is not planning on doing anything with the alleys until it speaks with the business owners in the area. With their input and blessing, the City will design a plan to fit their needs as well as work to continue to beautify the downtown streetscape and protect pedestrians.

V. COMMITTEE REPORTS; PUBLIC HEARINGS

A new application for a Class D5L Liquor License for A Brush and A Beverage, LLC was presented to Council. Councilwoman Knapic moved to waive a hearing, seconded by Councilman Ansel.

Councilman Sanders gave a brief update of the previous weeks Public Utilities meeting. Wooster Renewable Energy, also referred to as Quasar, has completed several steps to reduce odors and they seem to be working.

The Public Hearing for the 2017 Tax Budget was announced and the floor was opened for questions/comments from the Public. There being none, the Public Hearing was closed.

VI. OLD BUSINESS

1. Third Reading- RESOLUTION NO. 2016-35 A RESOLUTION PROVIDING FOR THE ANNUAL TAX BUDGET FOR 2017

Finance Director Andrei Dordea presented an overview of the 2017 Proposed Tax Budget. The Budget is a tool to gauge the financial condition of the City and does not have to balance. The purpose is for each department to show the full extent of their financial requirements. The City still showed a surplus of almost \$7,000 dollars.

Councilman Ansel moved, seconded by Councilwoman Knapic, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

VII. NEW BUSINESS

1. First Reading – RESOLUTION NO. 2016-39 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE REPLACEMENT OF A PORTION OF THE WATER LINE SERVING BURBANK ROAD, AND DECLARING AN EMERGENCY.

Councilman Sanders stated that the waterline project was already in the plans for Burbank Road; it is being moved up a year to coincide with work currently being done. It makes sense to do both projects at the same time. Council agreed.

Councilman Sanders moved to suspend the rules and place on third and final reading, seconded by Councilman Cavin. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes). Councilman Sanders moved, seconded by Councilman Cavin, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

2. First Reading – RESOLUTION NO. 2016-40 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH OHM ADVISORS FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE DOWNTOWN STREETScape.

The Resolution was introduced and discussed at length. The City of Wooster requests permission to partner with OHM to work with Downtown Businesses and Wooster Citizens regarding the design for the Downtown Streetscape.

3. First Reading – RESOLUTION NO. 2016-41 A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR SERVICES RENDERED UNDER CONTRACTS WITH VARIOUS VENDORS, AND DECLARING AN EMERGENCY.

A police vehicle was involved in an accident in the Fall of 2015. The lowest and best bidder, Pallotta Ford, when the work was finished on the repair, stated final cost to be \$4,247.88 above the estimate given for a total repair cost of \$23,016.46. The expenditure will be covered by insurance proceeds.

Councilman Ansel moved to suspend the rules and place on third and final reading, seconded by Councilman Cavin. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes). Councilman Ansel moved, seconded by Councilwoman Knapic, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Myers-yes; Sanders-yes; Silvestri-yes; and Ulbright-yes).

VIII. MISCELLANEOUS

Councilwoman Knapic announced that the public transit bus service for Wooster City was up and running. Councilman Myers proudly announced the Wooster Urban Adventures, held the previous weekend, was able to raise \$30,000 for People to People Ministries.

IX. ADJOURNMENT

Councilman Ulbright moved to adjourn, seconded by Councilwoman Knapic. By voice vote the motion passed unanimously.

Michael G. Buytendyk
President of Council

Christa Sturgeon
Clerk of Council

ORDINANCE NO. 2016-17

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH TAMMY AND BRIAN POLEN FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY

WHEREAS, Tammy and Brian Polen, two local entrepreneurs, desire to renovate the abandoned Faber Building, located at 148 W. Liberty Street in the City of Wooster, into a permanent site for the Vertical Runner of Wooster or other business. This facility is within the region designated by Wooster City Council as the community reinvestment area (CRA). Proposed capital investment includes approximately \$700,000.00 for improvements to the existing facilities, including repair costs for the roughly 6,930-ft2 in floor space, in addition to finishing storage space in the 2,310-ft2 basement; and

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

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

SECTION 1. That the Mayor is hereby authorized to enter into an agreement on behalf of the City of Wooster with Tammy and Brian Polen for CRA tax incentives. The terms of such agreement will include, but not be limited to, the following: (1) abatement of real estate taxes of 100%; (2) for a maximum term not to exceed ten (10) years; (3) with two (2) full-time equivalent jobs retained; (4) the creation of one (1) full-time job within three (3) years; and (5) such other terms as the Mayor, in his/her discretion, deems appropriate.

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

SECTION 3. This Ordinance 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 in order to facilitate implementation of the renovation project by the applicant; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Passed: _____, 2016 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2016 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)

Requested is Council's authorization in allowing the Mayor to enter into a Community Reinvestment Area Agreement (CRA) on the City's behalf with Brian and Tammy Polen, two local entrepreneurs who are seeking the renovation of Faber Building at 148 W. Liberty Street, Wooster, Ohio 44691 in Downtown Wooster (64-00453.000). Nestled into the southwest quadrant of Wooster's original historic district, the 120-year-old three-story Faber Building with its detailed tin-clad façade is among the City's oldest and most iconic structures, but has been neglected over the last several years and sustained extensive damage. The estimated repair costs for the approximately 6,930-ft² in floor space, in addition to finishing storage space in its 2,310-ft² basement, is approximately \$700,000.

The applicants are seeking a **10-year, 100 percent** real estate tax abatement to assist them with the building's renovation. At a minimum, this CRA-enabled project commits to securing the façade and rehabilitating the first floor into an active retail space with two full-time equivalent jobs retained (with \$89,920 in annual payroll) along with the creation of at least one new full-time equivalent job (with \$24,960 in payroll) within three years. As funding allows, the second and third floors will be renovated into residential units, or possibly office space. The work is anticipated to be completed by July 30, 2017 (though an agreement would specify 31 December 2017).

This proposal meets the minimum \$50,000 investment for commercial property and two-job creation or retention requirements for the City of Wooster's CRA Program. The application has received a vote of approval from the Wooster City School District and a recommendation from the Wooster Growth Corporation. The application has also received a letter of support from Main Street Wooster.

Due to the significant damage, the City staff has provided support for Brian and Tammy Polen's pursuit of Wayne County's first-ever Ohio Historic Preservation Tax Credit, which offset up to 25 percent of qualified expenses. The availability of the CRA program and the City's investment in obtaining its Certified Local Government status were important elements in securing the tax credit. City staff is also working seeking permission to apply for a Downtown Targets of Opportunity Community Development Block Grant that will help to ensure that funding is available for a thoroughly complete project.

Without the proposed investment and care, 148 W. Liberty Street will require demolition in the very near future.

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

A suspension of the rules is requested in order to allow a small business to move forward on a time-sensitive project and strategic investment.

Manager Requesting

Date

Approved for Agenda

COMMUNITY REINVESTMENT AREA REQUEST SUMMARY



Prepared by the City of Wooster Department of Community Service and Development at the Request of:
Brian and Tammy Polen (Proprietors of Vertical Runner-Wooster) – 148 W. Liberty, Wooster, Oh 44691
 Application Date: 6 May, 2016.

Project Summary: Brian and Tammy Polen, proprietors of Vertical Runner-Wooster, an athletic store specializing in shoes, have applied for a **10-year, 100-percent** real estate abatement to assist it with reinventing the abandoned 148 W. Liberty Street Faber Building, enabling the retention of three jobs and the creation of one new position. The three-story tin-clad structure stands as one of Downtown Wooster’s most iconic historic buildings, originally housing a first-floor storefront, second-floor apartments, and third-floor dormitory. More recently, it served as a shoe store for several years. Over the last decade, however, the building has sustained extensive damage due to roof leaks, moisture damage, and decay. Significant repairs are required to make the structure suitable for occupancy, let alone to preserve the 120-year-old structure. Repairs required for all floors are estimated to be in excess of \$700,000, which is in excess of normal new construction costs for a similarly-sized structure.

Project Site Map

148 W. Liberty (#64-00453.000), Wooster, Oh, 44691.



Parcels 64-00453.000, outlined in red along W. Liberty Street, is in the designated CRA area and the C-4 District.

Brian and Tammy Polen seek to purchase and revitalize the approximate 6,930-ft² structure (and 2,310- ft² basement) to create a permanent home for Vertical Runner of Wooster, involving a revamping of the first floor retail space and improvements to the basement storage area. The applicants also intend to renovate the second and third floor, as funds are available, for future apartments and/or offices.

The project has the support of Main Street Wooster, and is also seeking assistance through the Ohio Historic Preservation Tax Credit program, which would be the first such project for Wayne County if approved. Additionally, the project is seeking assistance through the Federal Historic Tax Credit program and the Ohio Development Services Agency’s Discretionary Community Development Block Grant program.

Project Impacts: 148 W. Liberty Street is located within the C-4 Downtown Commercial District, where the proposed mixed uses are permitted. Neighboring properties to the east and west, each of which share common walls with the building, are currently under 100-percent CRA agreements. The applicants proposes a \$975,000 total investment, with \$700,000 in construction and repair costs estimated to make the imperiled building useable once again. As shown below, the site commands an annual tax obligation of \$3,831, revenues which are under threat as the uninhabitable building continues to disintegrate. A \$700,000 increase in value would theoretically increase the annual tax obligation to \$22,685. The applicants will preserve three downtown retail jobs and create one new job, retaining \$89,920 in payroll while creating \$24,960 in new payroll within three years. A 100-percent, ten (10) year abatement would offer up to \$18,854 in savings annually.

The applicants were invited to apply for the CRA as an incentive to purchasing and repairing the building, given its extensive repair cost and the site’s historic impact within Downtown.

Attachments: Original Application, Applicant Letter, and Ohio Historic Preservation Tax Credit Proposal excerpts.

TABLE: Project Implication Matrix

148 W. Liberty Street Revitalization Proposal Projected Tax Impacts (Not all investments are likely to impact valuation.)

Current Value ¹ (148 W. Liberty)	Annual Tax Obligation ¹	Post Project Tax Value (\$700,000 Invested)	Annual Tax Obligation without Abatement ²	Annual Tax Obligation with 100% Abatement	Applicant's Annual Savings ³	Total Savings after 10 Years
\$142,000	\$3,831	\$842,000	\$22,685	\$3,831	\$18,854	\$188,543
Polen 148 W. Liberty Proposal	<i>Annual City Income Tax Retention⁴</i>		\$1,349		<i>Net Property Tax Gain with Abatement</i>	\$0
	<i>Annual City Income Tax Creation⁴</i>		\$374		<i>Cumulative Net Property Tax Gain</i>	\$0
	<i>Cumulative Income Tax Impact</i>		\$16,483.20		<i>Post-Community Reinvestment Area Gain</i>	\$18,854

- Current Value of \$142,000 based on the Wayne County Auditor’s 100 percent 2015 valuation of taxes assessed for PPN 64-00453.000) with Annual Tax Obligation based on actual reported 2014 taxes payable for 2015. *Wayne County Auditor, Wayne County, Ohio. (1/26/2016). Property Records CAMA Database [Data file]. Retrieved from <http://www.waynecountyauditor.org/>.*
- Figure presents a maximum estimate, assuming that the entirety of the \$700,000 invested in new improvements will be reflected in future property valuation. Estimated tax based on millage of 76.968422015 assigned to District 64 (Within Wooster’s 1st Ward, WCSO, and WCSCC district.) A total investment of up to approximately \$975,000 is anticipated, inclusive of acquisition, fixtures, and soft costs. *Wayne County Auditor, Wayne County, Ohio. (1/26/2016). Tax Estimator Tool [Data file]. Retrieved from <http://www.waynecountyauditor.org/taxestimator/Default.aspx>.*
- Estimated maximum tax increase protection for the applicant, assuming that the \$700,000 investment equates to a \$700,000 increase in valuation.
- Retention and Creation estimates are based on an \$89,920 and \$24,960 in payroll respectively.
- Cumulative calculation assumes annual created payroll is 0 percent for year’s 1 and 2, and then 100 percent for the following eight years.

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

AMENDED

RESOLUTION NO. 2016-17

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR PAVEMENT REPAIRS ON VARIOUS STREETS

WHEREAS, it is necessary to repair the pavement on *public roads including, but not limited to*, Kieffer and Renwood Streets, *Ramblewood and Sandalwood Estates*, McNutt Drive, and at Fire Station #3, and the cost thereof is included in the capital plan for 2016.

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

SECTION 1. That the Director of Administration is hereby authorized to advertise according to law and enter into a contract with the lowest and best bidder for repairing the pavement on *public roads including, but not limited to*, Kieffer and Renwood Streets, *Ramblewood and Sandalwood Estates*, McNutt Drive, and at Fire Station #3, in accordance with specifications on file in the Office of the Director of Administration.

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

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

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

Introduced: _____ Passed: _____ Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2016

Mayor

Introduced by: Jon E. Ulbright

**Request for Agenda Item
Authorization for Bid or Purchase of Capital Item**

Division Engineering	Meeting Date Requested July 5, 2016
Project Name Amend resolution 2016-17 to add Sandalwood Estates and Ramblewood Estates for concrete repairs	Approved for Agenda
Estimated Total Cost \$110,000 (Capital Improvements Fund)	
Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded?	
Description Of Purchase This is a request to amend Resolution 2016-17 Concrete Repairs to Kieffer, McNutt and Renwood and to add Sandalwood and Ramblewood Estates to the project. During the bidding process advantageous bids were received and this amendment will allow for additional concrete repairs to be performed.	
Justification / Benefits Additional concrete repairs throughout the neighborhood.	
Will This Project Effect the City's Operating Costs This project will reduce maintenance costs by replacing the deteriorated concrete.	
What Alternatives Exist and What Are The Implications of The Alternatives Do nothing, and return at a latter date to affect these repairs.	
Is This A Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Explain The Circumstances Addition to the current contractors contract through a change order.	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Note Reasons Approval will allow the current contractor to continue his work.	
Division Manager Roger Kobilarcsik	Date June 29, 2016

AGREEMENT

THIS AGREEMENT made and entered as of the 21st day of June 2016 by and between the City of Wooster, a municipal corporation of Ohio, 538 N. Market Street, Wooster, Ohio 44691 (the "City"); and Terry W. Haston, 644 Robinson Road, Wooster, Ohio 44691 (the "Owner").

WHEREAS, Owner owns certain residential real property (PPN 57-00024.000) located at 644 Robinson Road, Wooster, Wayne County, as further described in Exhibit "A" attached hereto and incorporated by reference; and

WHEREAS, Owner desires to have access to City utilities including, but not limited to, sanitary sewer and other City services; and

WHEREAS, Owner is willing to cause to be filed a Petition with the Board of County Commissioners of Wayne County, Ohio for annexation of his residential real property as soon as the property is contiguous to the City; and

WHEREAS, the City is willing to immediately permit the extension of its sanitary sewer service to the Owner, and to permit him to tap in or otherwise connect to such line on the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the mutual covenants of the parties hereinafter set forth, each party acting in consideration of the covenants of the other, the parties do hereby covenant and agree as follows:

- 1. PETITION FOR ANNEXATION OF RESIDENTIAL REAL PROPERTY**
 - A. Upon execution of this Agreement by the City, Owner agrees to exercise his best efforts to cause the residential real property to be promptly annexed to the City in accordance

with the procedures set forth in Chapter 709 of the Ohio Revised Code. In furtherance of this objective, Owner agrees:

- (1) To immediately cause the execution of a Petition for Annexation for the purpose of effecting the annexation of the residential real property to the City in accordance with the procedures set forth in Chapter 709 of the Ohio Revised Code (the "Agent"); and
- (2) To cause his agent or legal counsel to promptly file the Petition for Annexation with the Board of County Commissioners of Wayne County, Ohio within thirty (30) days of such time as the residential real property becomes contiguous to the corporation limits of City; to provide written notice of the filing to the Clerk of the City and to the Clerk of Wooster Township; and to otherwise diligently pursue the annexation of the residential real property to the City.

B. In the event the Petition for Annexation of the residential real property is denied by the Board of County Commissioners, Owner agrees to timely file an appeal with the Court having jurisdiction thereof and to reasonably pursue and exhaust all appeals through the Courts of the State of Ohio, including the Supreme Court of Ohio. In the event the Petition for Annexation is granted by the Board of County Commissioners but any other interested person petitions the Court of Common Pleas having jurisdiction for an injunction restraining the Wayne County officials from presenting the Annexation Petition and other papers to the City as permitted under Section 709.07 of the Ohio Revised Code, Owner agrees to use his best efforts to cause such petition to be dismissed by the Court and if unsuccessful, to timely file an appeal with the Court having jurisdiction thereof and to reasonably pursue and exhaust all appeals through the Courts of Ohio, including its Supreme Court.

C. In the event that annexation shall be denied or enjoined after exhaustion of all legal remedies as provided in paragraph 1 (B) hereinabove or the application for annexation be rejected as provided in paragraph 6 hereinafter, Owner agrees that he will consent to the classification of the residential real property by the City as a non-resident district and to pay sanitary sewer fees based upon the rates used in charging other non-resident users located outside the City.

2. EXTENSION AND PERMITTING OF SANITARY SEWER

A. In consideration of the agreement by Owner to pursue annexation in the manner provided for in paragraph 1 hereinabove, the City agrees that it will immediately make available to the residential real property its sanitary sewer facilities and systems. In furtherance of this Agreement the City will:

- (1) Contemporaneously with the execution of this Agreement, enact and adopt legislation permitting the extension of the sanitary sewer line of the City to the residential real property;
- (2) Grant Owner such tap-in and connection permits as are necessary or required to connect to its sanitary sewer facilities and systems upon compliance with all applicable regulations and payment of the appropriate fees. Thereafter, and until the residential real property is annexed, Owner will pay such fees and charges as are customary for users who lie outside the corporation limits.

B. The sanitary sewer line provided by the City is an eight-inch (8") line located in the middle of the pavement in front of the residential real property on Robinson Road.

C. In the event that annexation shall be denied or enjoined after exhaustion of all legal remedies as provided in paragraph 1(B) hereinabove, or if the City shall reject the

application for annexation as provided in paragraph 5 hereinafter, the City agrees that it will classify the residential real property as a non-resident district and require Owner to pay sanitary sewer fees based upon the same rates used in charging other non-resident users located outside the City.

3. REVOCATION BY CITY

A. Owner acknowledges that the promises set forth in paragraph 1 are material and agree that in the event the Petition for Annexation is not filed as provided therein or, after filing, is withdrawn by Owner, or if Owner fails to appeal and to reasonably pursue and exhaust all appeals in the event the petition is denied by the Board of County Commissioners or a favorable decision is enjoined by a court, or the residential real property is subsequently detached from the City upon petition of the Owner herein, then the City may, as its sole and exclusive remedy, revoke the extension of its sanitary sewer line to the residential real property and any tap-in and connection permits previously issued, and the Owner agrees that he will consent to such revocation and will not contest it.

B. Except for the right to revoke the extension of its sanitary sewer line to the Owner and any tap-in or connection permits as provided in paragraph 3 (A) hereinabove, the City shall have no claim for damages and no other remedy, at law or in equity, in the event the Petition for Annexation is not filed or, after filing, is withdrawn by Owner or the signers of the petition withdraw their signatures, or if Owner fails to appeal and reasonably pursue and exhaust all appeals in the event the petition is denied by the Board of County Commissioners or a favorable decision is enjoined by a court, or if the residential real property is detached from the City upon subsequent petition of the Owner.

4. ACCEPTANCE OF ANNEXATION; ZONING

The parties agree that upon acceptance of the annexation by the City, the residential real property will also be zoned in a manner that is consistent with the zoning of properties in the immediate vicinity thereof.

5. REJECTION OF ANNEXATION BY CITY

In the event the City rejects annexation, the Owner shall be discharged from any further obligation hereunder, but shall be entitled to retain the benefit of the extension of the sanitary sewer facilities and systems of the City as a non-resident district pursuant to the provisions of paragraph 2 (C) herein.

6. AMENDMENT; ASSIGNMENT

This Agreement may only be amended by a written agreement of the parties hereto. It is not transferable or assignable without the express written approval of the other party.

7. GOVERNING LAW

This Agreement shall be governed by and subject to the internal laws of the State of Ohio.

8. ENTIRE AGREEMENT

This Agreement constitutes the sole and only agreement between the parties respecting the matters set forth herein. If any clause, sentence, paragraph or part of this Agreement shall, for any reason, be adjudged by any court of record to be invalid, such judgment will not affect, impair or invalidate the remainder of the Agreement, which shall continue in full force and effect.

9. BENEFIT AND BINDING EFFECT

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the parties, intending to be legally bound, hereto have caused this Agreement to be authorized and to be executed as of the day and year first above written.

In the Presence of:

CITY OF WOOSTER

By: _____
Robert F. Breneman, Mayor, by authority
granted by Ord. 2016-_____

Imad Jaws

Under Contract to purchase
property from Terry Haston

By: *Terry W. Haston*

Terry W. Haston

This instrument prepared by:
Richard R. Benson, Jr.
Attorney at Law
538 N. Market Street
Wooster, OH 44691
330-263-5248

Exhibit A

Situated in the Township of Wooster, County of Wayne and the State of Ohio: And known as being Tax Map Parcel "T-2", in the Southwest Quarter of Section 10, Township 15N, Range 13W, as shown on Survey Vol. "O", Pg. 90 and Survey Vol. "N", Pg. 351 of the Wayne County Tax Map Office.

Parcel No. 57-00024.000



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



Joel Montgomery, PE
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, Law Director(s), Finance Director, Police Chief, Fire Chief
Date: 6/17/2016
Re: Safety Center Progress Update

Dear Councilpersons,

City staff has been working diligently over the past couple of months with our Design-Build contractor, JGJ Construction, to evaluate subcontractor bids and perform value engineering for the Safety Service facility. After initial bid evaluation and some design revisions resulting from the value engineering process, the current bid project cost is \$7.6M. This represents the actual project costs for design, construction and construction management, as outlined in the original request to solicit proposals and award a contract. The original amount was estimated at \$7M.

We believe we have reduced the cost of the facilities to the most reasonable amount, while preserving the value and integrity of the facility purpose. Being the first fire and police station constructed for the City in the last 40 years, we desire a facility that will serve the needs of the citizens and the organization for the foreseeable future. That being said, I would like to provide some details for the current project cost, and also a basis for requesting additional funds for the project.

The majority of the additional costs are associated with site work, including site grading and drainage, and rock excavation. These items were difficult to determine at the time of the request for proposals, and all bidders excluded portions of these items from their proposals. Final grading and elevations resulted in significant cut and export requirements due to the irregular shape of the site and parking requirements. While a preliminary subsurface geotechnical investigation was performed as part of the RFP, subsequent investigation revealed significantly more rock near the surface. In addition, there were additional storm water management and detention requirements, resulting in an additional \$300,000 in costs.

The final bids also revealed a significant difference in material and labor costs for two bid items based on market condition changes from the time of the technical proposal to the time of receiving actual bids. Structural Steel experienced a 25% increase in material costs, resulting in

an additional \$125,000. Masonry/Carpentry also exhibited an approximate \$110,000 increase in pricing due to high demand. A few smaller work items also contributed to the overall cost increase.

Therefore, based on the current market and material prices, we would like to request an additional \$600,000 for Safety Center construction costs. This would represent a contract amount within 8.6% of the original construction estimate. In addition, we would like to request additional funds be appropriated for the purchase of a portion of the equipment and furnishings needed to outfit the Safety Center. These funds would be placed in the Capital Improvements fund for direct purchases by our Police and Fire divisions. A total appropriation of \$200,000 is being requested for this purpose. Items that would be included in these purchases include evidence and duty lockers, cabinets, appliances, etc. We would propose to have these requests before Council for your consideration at the July 5th Council meeting.

We will continue to work with the design-build contractor and subs to perform value engineering on individual systems and locate further costs savings as the project progresses, while also moving forward with site work and building construction. To that end, we have planned a groundbreaking ceremony for Thursday, June 30th at the site to celebrate the first Police and Fire facility constructed in over 40 years for the City of Wooster. We are aware of the fairly short notice, but availability for all parties, as well as the mobilization of the site contractor left a very small window of opportunity. We will be sending out separate invitations for this ceremony, but wanted each of you to have as much time as possible to plan for your attendance.

Please let me know if you have additional questions or concerns. I would be happy to discuss in further detail.

Thank you.

Sincerely,

Joel Montgomery, PE, MSM

Director of Administration