

CITY COUNCIL AGENDA

December 5, 2016

7:30p.m.

The meeting will be held at City Hall, in Council Chambers, 1st Floor, 538 N. Market Street, Wooster, Ohio.

I. ROLL CALL & ORDERING OF AGENDA

II. APPROVAL OF MINUTES

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

V. COMMITTEE REPORTS; PUBLIC HEARINGS

VI. OLD BUSINESS

1. Tabled- ORDINANCE 2016-27

AN ORDINANCE AMENDING PART ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, SO AS TO RE-ZONE LAND TO A C-5 (GENERAL COMMERCIAL) DISTRICT FOR PROPERTY LOCATED ON THE SOUTH SIDE OF WEST MILLTOWN ROAD, BETWEEN COMMERCE PARKWAY AND OAK HILL ROAD (Knapic)

2. Tabled- ORDINANCE NO. 2016-29

AN ORDINANCE AMENDING PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY THE ADOPTION OF VARIOUS TEXT AMENDMENTS TO CHAPTERS 1103, 1149, AND 1171 (Knapic)

3. Second Reading- RESOLUTION NO. 2016-59

A RESOLUTION AUTHORIZING AGREEMENTS WITH VARIOUS APPLICANTS FOR THE USE OF ECONOMIC DEVELOPMENT MONIES (Ansel)

4. Second Reading- ORDINANCE NO. 2016-34

AN ORDINANCE APPROPRIATING FROM VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF WOOSTER FOR THE FISCAL YEAR ENDING DECEMBER 31, 2017, AND DECLARING AN EMERGENCY (Ansel)

VII. NEW BUSINESS

1. First Reading- RESOLUTION NO. 2016-61

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR RIGHT OF WAY ACQUISITION SERVICES RELATED TO THE WOOSTER LOOP PHASE 1 BIKE TRAIL PROJECT, AND DECLARING AN EMERGENCY (Ulbright)

2. First Reading- RESOLUTION NO. 2016-62

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO CONTRACT WITH COMMUNITY ACTION OF WAYNE/MEDINA COUNTIES FOR THE PROVISION OF TRANSPORTATION SERVICES FOR QUALIFIED PARTICIPANTS (Myers)

3. First Reading- ORDINANCE NO. 2016-35

AN ORDINANCE AMENDING ORDINANCE NO. 2010-24 BY AUTHORIZING THE MAYOR TO TRANSFER THE COMMUNITY REINVESTMENT AREA AGREEMENT FROM THE MERCHANTS BLOCK LLC TO MR. EDWARD D. HOWMAN, A NEW OWNER, AND DECLARING AN EMERGENCY (Ansel)

4. First Reading- RESOLUTION NO. 2016-63
A RESOLUTION TO ALLOW ODOT TO PERFORM A BRIDGE APPROACH REACTIVE MAINTENANCE PAVING PROJECT ON THREE STRUCTURES IN THE CITY OF WOOSTER, STATE ROUTE 83 OVER STATE ROUTE 3, STATE ROUTE 3/83 OVER APPLE CREEK, US ROUTE 250 OVER US ROUTE 30/STATE ROUTE 3 (Ulbright)
5. First Reading- ORDINANCE NO. 2016-36
AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$4,850,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING THE CITY'S SANITARY SEWERAGE SYSTEM BY ACQUIRING WASTEWATER TREATMENT FACILITIES AND EQUIPMENT, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY (Sanders)
6. First Reading- RESOLUTION NO. 2016-64
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO CONTRACT TO PURCHASE AN ANAEROBIC DIGESTER SYSTEM AND ASSOCIATED COMPONENTS CONSTRUCTED AND INSTALLED AT THE CITY OF WOOSTER'S WASTE WATER TREATMENT PLANT (Sanders)
7. First Reading- ORDINANCE NO. 2016-37
AN ORDINANCE REVISING THE AUTHORIZED RANGE OF PAY SCALES AND BENEFITS FOR HOURLY RATED AND SALARIED EMPLOYEES AT WOOSTER COMMUNITY HOSPITAL, AND REPEALING FORMER ORDINANCES (Ansel)
8. First Reading- ORDINANCE NO. 2016-38
AN ORDINANCE TRANSFERRING APPROPRIATIONS WITHIN A FUND FROM ONE ACCOUNT OBJECT CODE LEVEL TO ANOTHER; AND DECLARING AN EMERGENCY (Ansel)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

RESOLUTION NO. 2016-59

A RESOLUTION AUTHORIZING AGREEMENTS WITH
VARIOUS APPLICANTS FOR THE USE OF ECONOMIC
DEVELOPMENT MONIES

WHEREAS, economic development serves important community interests by providing commercial and industrial development, thus improving the municipal tax base; and

WHEREAS, in an effort to improve the tax base, this City Council dedicated a portion of the proceeds from the transient occupancy tax toward entities which would utilize the monies for economic development purposes; and

WHEREAS, after reviewing applications from interested parties, the Council hereby recommends that awards be made to three applicants, subject to the execution of agreements on the use of funds.

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

SECTION 1. That after deduction of the administrative charges provided in W.C.O. §1705.02(a) (1), the economic development funds are hereby appropriated and awarded for 2017 to the following entities, and in the following increments:

(a) Of the first \$50,000

Main Street Wooster	57.5%
Wooster Area Chamber of Commerce	37.5%
Wayne County Convention and Visitors Bureau	5.0%

(b) Of all funds over \$50,000

Main Street Wooster	50%
Wooster Area Chamber of Commerce	30%
Wayne County Convention and Visitors Bureau	20%

SECTION 2. Subject to the execution by each entity of an agreement on the use of funds, and also to the availability of funds, the Director of Finance is hereby authorized to issue payment to each entity in the designated amount.

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 full force from and after the earliest date allowed by law.

1st reading 11/21/16 2nd reading _____ 3rd reading _____

Passed: _____, 2016 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2016 _____
Mayor

Introduced by: Jon Ansel

ORDINANCE NO. 2016-34

AN ORDINANCE APPROPRIATING FROM VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF WOOSTER FOR THE FISCAL YEAR ENDING DECEMBER 31, 2017, AND DECLARING AN EMERGENCY

WHEREAS, the Charter of the City of Wooster provides, at §6.04, that no later than the second regular meeting of November the Mayor will prepare and present to the City Council for adoption an annual Appropriation Ordinance providing for the expenses of the municipal government for the coming fiscal year.

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

SECTION 1. That to provide for the current expenses and other expenditures of the City of Wooster for the Fiscal Year ending December 31, 2017, the following appropriations (see detailed copy, attached) are hereby authorized.

SECTION 2. The budget approved by Council and the appropriation of funds to implement the budget represent the estimated expenditures needed to administer programs approved for the coming fiscal year. The budget is a work plan of the estimate of future needs for a given program as determined by Council when the budget is adopted.

In adopting the budget, Council recognizes that conditions may change during the fiscal year that may call for staff reductions or increases depending upon the facts in each instance.

In recognition of this fluid, constantly changing condition, the Mayor shall review requests for additional positions and for filling vacant positions within the limitations of the budget. After making a study of each request, he shall have the authority to approve, disallow or postpone such requests for additional personnel. In addition, he shall be responsible for resolving questions related to the staffing pattern of each department and division as determined by Council action on the annual budget.

Personnel requests in excess of the annual budget shall be studied and recommendations developed for the consideration of Council.

The Mayor shall be responsible for ascertaining that personnel requirements do not exceed those included or implied in the budget and/or Appropriation Ordinances.

SECTION 3. This Council finds and declares that all formal actions concerning

and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 4. This Ordinance is hereby declared to be 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 commence and complete the various projects at the earliest possible time for the convenience and enjoyment of the general public; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 11/21/16 2nd reading _____ 3rd reading _____

Passed: _____, 2016 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2016 _____
Mayor

Introduced by: Jon Ansel

RESOLUTION NO. 2016-61

A RESOLUTION AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO ENTER INTO A CONTRACT FOR
RIGHT OF WAY ACQUISITION SERVICES RELATED TO
THE WOOSTER LOOP PHASE 1 BIKE TRAIL PROJECT,
AND DECLARING AN EMERGENCY

WHEREAS, in anticipation of the Wooster Loop Phase 1 Bike Trail Project, it is necessary to appraise and acquire the rights-of-way necessary for 45 properties within the project area, and costs are included in the Capital Plan for 2016; and

WHEREAS, O.R. Colan Associates of Fairview Park, Ohio, has the qualifications and experience necessary to perform such services, and has also been pre-qualified by ODOT to perform the same.

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 enter into a contract with O.R. Colan Associates of Fairview Park, Ohio for appraisal and acquisition services for the Wooster Loop Phase 1 Bike Trail Project. Such services may include, but not be limited to, property appraisals, negotiations with property owners, utility relocation arrangements, title reports, closings, summary narratives, value findings and analyses.

SECTION 2. The cost of such services will not exceed \$162,000.00.

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 hereby declared to be an emergency measure 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 appraisals 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 _____ 2nd reading _____ 3rd reading _____

Passed: _____, 2016 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 Capital Item**

Division Engineering	Meeting Date Requested December 5, 2016
Project Name Wooster Loop Phase 1 Bike Trail Project	Approved for Agenda
Estimated Total Funds/Cost \$162,000.00	
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded?	
<p>Description Of Request This is a request to enter into a contract with O.R. Colan Associates for professional services related to the Wooster Loop Phase 1 Bike Trail Project. This contract will be for Right-of-Way Acquisition Services for the 45 properties affected by this project.</p> <p>O.R. Colan is pre-qualified by ODOT to perform R/W services and has already completed all the title research for this project.</p>	
<p>Justification / Benefits This project is scheduled to begin construction in 2018 and it will take at least 6-12 months to complete negotiations. We have a schedule to meet to use ODOT funds for construction and need to begin R/W acquisition process as soon as possible.</p>	
<p>Will This Project Effect the City's Operating Costs This will be a onetime capital expense and will not affect the City's operating costs.</p>	
<p>What Alternatives Exist and What Are The Implications of The Alternatives Since this project has funding from the ODOT a very specific process needs to be followed when negotiating for Right-of-Way. This process is best completed by a pre-qualified consultant. R/W acquisition requires at least 15 distinct steps/tasks.</p>	
<p>Is This A Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>If Yes, Explain The Circumstances This is an Engineering services request and O.R. Colan is one of the top five ranked firms in the Engineering Services registry who performs these services. They have performed these types of services for the City in the past.</p>	
<p>Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, Note Reasons While suspension of the rules is not necessary, earlier passage would allow the opportunity to start the acquisition process.</p>	
Division Manager Roger Kobilarcsik	Date November 23, 2016

RESOLUTION NO. 2016-62

A RESOLUTION AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO CONTRACT WITH COMMUNITY
ACTION OF WAYNE/MEDINA COUNTIES FOR THE
PROVISION OF TRANSPORTATION SERVICES FOR
QUALIFIED PARTICIPANTS

WHEREAS, for more than ten years the municipal government has subsidized a program of transportation services for qualified participants; and

WHEREAS, the Community Action of Wayne/Medina Counties (CAW/M) has administered a program on behalf of the municipal government for transportation services for certain qualified City of Wooster residents; and

WHEREAS, this Council deems that prompt action is necessary to continue to afford this needed service to city residents; and the cost of such services is budgeted.

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

SECTION 1. That the Director of Administration is authorized to contract with CAW/M for the provision of transportation services to qualified participants through the management and administration of the city's Taxi Pass Program.

SECTION 2. The cost of such contract/project will not exceed the amount budgeted in the 2017 Appropriations Budget.

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: Scott Myers

Request for Agenda Item Non-Capital

Division

Meeting Date Requested

Project Name

☐ Approved for Agenda

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

Requesting a resolution authorizing the Director of Administration to contract with Community Action of Wayne/Medina Counties for the provision of transportation services for qualified participants. This contract would be over \$50,000 and is a budgeted item for 2017.

In an effort to promote transportation services in the City of Wooster, Community Action of Wayne and Medina Counties (CAW/M) would remain the administrator of the Transportation Pass Program for the residents of the City of Wooster. The Mobility Manager, a grant funded position through ODOT, operates through CAW/M and will oversee the program, grant funding available through the proposed subsidy and partnerships with local agencies and transportation companies. The contract with CAW/M would be renewed and the City of Wooster would continue to subsidize the program, being billed monthly for transportation passes, administrative fees and transportation company grants.

The proposed contract would include subsidizing:

- Passes for Low Income, Elderly and Disabled Residents
- Passes for Low Income Clients of Social Service Agencies
- Passes for Wheelchair-Accessible Transportation
- Passes for Weekly Employment
- Grants for Transportation Companies that would assist in bringing vehicles up to code in addition to proper training and licensing for employees.

To qualify as a participant, persons must meet these guidelines:

- Must live within the city limits of Wooster
- Must provide photo ID - proving identity and home address
- Must provide proof of one or more of the following:
 - low income status
 - being confined to a wheelchair
 - diagnosed physical or mental handicap

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

Manager Requesting

Date

Approved for Agenda

ORDINANCE NO. 2016-35

AN ORDINANCE AMENDING ORDINANCE NO. 2010-24
BY AUTHORIZING THE MAYOR TO TRANSFER THE
COMMUNITY REINVESTMENT AREA AGREEMENT
FROM THE MERCHANTS BLOCK LLC TO MR.
EDWARD D. HOWMAN, A NEW OWNER, AND
DECLARING AN EMERGENCY

WHEREAS, this City Council, in Ordinance No. 2010-24, authorized the Mayor to enter into an agreement with Merchants Block LLC for Community Reinvestment Area Tax Incentives, including a capital investment of up to \$7,330,000.00 for the construction of three-story combined commercial/ residential facility on the former Freedlander's site (125 W. Liberty Street), with abatement of real estate taxes for a period of twelve (12) years; and

WHEREAS, The Merchants Block LLC now desires to sell the property to Mr. Edward D. Howman 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.

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

SECTION 1. That Ordinance No. 2010-24 is amended to provide that the Mayor, on behalf of the City of Wooster, is authorized to enter into an *amended* agreement with Merchants Block, LLC and Mr. Edward D. Howman, where the latter will be substituted as the Enterprise, and thus eligible for the remaining CRA tax incentives. 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 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: _____, 2016

Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2016

Mayor

Introduced by: Jon Ansel

ORDINANCE NO. 2010-24

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
AN AGREEMENT WITH MERCHANTS BLOCK, LLC FOR
COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND
DECLARING AN EMERGENCY

WHEREAS, Merchants Block, LLC is a for-profit enterprise which desires to improve a property located in downtown Wooster within the area designated by Wooster City Council as the community reinvestment area (CRA), including a capital investment of up to \$7,330,000.00 for the construction of a three-story combined commercial/residential facility on the former Freedlander's site (125 W. Liberty Street), and it has requested tax abatement as an incentive to undertake the project; 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 Schools board of education has also reviewed the request and given its approval thereof.

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 Merchants Block, LLC 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 twelve (12) years; and (3) such other terms as the Mayor, in his discretion, deems appropriate.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this ordinance occurred in an open meeting of this Council, 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 construction 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 9-7-10 2nd reading _____ 3rd reading 9-7-10

Passed: September 7, 2010

Vote: 7-0

Attest: Cheyl K. Collins
Clerk of Council

David J. Silvestri
President of Council

Approved: September 7, 2010

Robert F. Breese
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)

Merchants Block LLC and Mr. Edward D. Howman are seeking the City of Wooster's approval to transfer CRA Agreement 10-002 from the former to the later. The agreement provides for a 12-year, 100 percent tax abatement for Merchants Block LLC to assist it with the construction of a \$6,020,000 mixed-use residential and retail complex in Downtown. Six full-time equivalent jobs were committed with a \$92,000 annual payroll.

Today, Merchants Block LLC covers commercial units at 117 through 147 W. Liberty Street and twelve residential units at 101 through 139 N. Walnut Street (Parcel series 64-01687 and 64-00528). Eight full-time equivalent jobs were reported in 2015 with a total payroll of \$297,465, exceeding its commitments. The property paid \$11,729 in real estate taxes in 2015 while foregoing \$81,818. At the time of the transfer request, ten years of abatement remain with the agreement, containing minimum benefit value of \$818,180.

On October 24, 2016, Merchants Block LLC sold the commercial units along W. Liberty Street (Parcel series 64-00528) to Mr. Edward D. Howman, intending to also transfer its existing CRA privileges. Provision 16 of CRA Agreement 10-002 states that, "This agreement is not transferable or assignable without the express, written approval of the City." Therefore, Merchants Block LLC submitted a formal letter to staff requesting the transfer of the CRA to Mr. Howman, while Mr. Howman submitted a formal application to the program.

The CRA abatement benefits the entire Merchants Block complex, including individual owners of the residential town-homes, even though the owners have not entered into their own formal CRA agreements. Rather, extension of the CRA benefit to residential unit owners, per this agreement, is contingent upon the performance of the commercial units below in meeting job and payroll commitments.

Council approval and an Assignment of CRA agreement signed by all parties are required in order to accomplish the transfer. Without a transfer, all property owners at Merchants Block LLC would not be allowed further tax abatement, even though the project has exceeded its job creation commitments. Therefore, the City of Wooster's Department of Economic and Community Development recommends the transfer of Agreement 10-002 in order to correct the issue and to allow a proprietorship that has made a significant investment in the Downtown to continue utilizing a vital savings.

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

A suspension of the rules is being requested in order to facilitate the CRA Transfer of Agreement 10-002 from Merchants Block LLC and Mr. Edward Howman and make the appropriate filings with the State of Ohio Development Services Agency before the end of the year.

Manager Requesting

Date

Approved for Agenda

COMMUNITY REINVESTMENT AREA TRANSFER REQUEST SUMMARY



Prepared by the City of Wooster Department of Community Service and Development at the Request of:
Merchants Block LLC and Mr. Ed Howman—117-147 W. Liberty & 101-139 N. Walnut St., Wooster, Oh.
Application Date: 17 November, 2016.

Project Summary: Merchants Block LLC and Mr. Edward D. Howman are seeking the City of Wooster's approval to transfer CRA Agreement 10-002 from the former to the later. The agreement provides for a **12-year, 100 percent** tax abatement for Merchants Block LLC to assist it with the construction of a \$6,020,000 mixed-use residential and retail complex in Downtown. Six full-time equivalent jobs were committed with a \$92,000 annual payroll.

Today, Merchants Block LLC covers commercial units at 117 through 147 W. Liberty Street and twelve residential units at 101 through 139 N. Walnut Street (Parcel series 64-01687 and 64-00528). Eight full-time equivalent jobs were reported in 2015 with a total payroll of \$297,465, exceeding its commitments. The property paid \$11,729 in real estate taxes in 2015 while foregoing \$81,818. At the time of the transfer request, ten years of abatement remain with the agreement, containing minimum benefit value of \$818,180.

Merchants Block LLC sold the commercial units along W. Liberty Street (Parcel series 64-00528) to Mr. Edward D. Howman on October 24, 2016. (Currently, Mr. Howman owns the property as a proprietorship.) The original owner had intended to transfer its existing CRA privileges as well. As Provision 16 of CRA Agreement 10-002 states that, "This agreement is not transferable or assignable without the express, written approval of the City," Merchants Block LLC submitted a formal letter to staff requesting the transfer of the CRA to Mr. Howman, and Mr. Howman submitted a formal application to the program.

The CRA abatement benefits the entire Merchants Block complex, including individual owners of the residential townhomes, even though the owners have not entered into their own formal CRA agreements. Rather, extension of the CRA benefit to residential unit owners, per this agreement, is contingent upon the performance of the commercial units below in meeting job and payroll commitments.

As the project has exceeded its job creation and payroll goals and because the new owner will be taking full responsibility for ensuring commitments are maintained, this office recommends the transfer. Council approval and an Assignment of CRA agreement signed by all parties are required in order to accomplish the transfer.

Attachments: Merchants Block LLC Letter Requesting Transfer and 2015 TIRC Summary Report. CRA Application by Mr. Edward Howman on file.

CRA Agreement 10-002: Merchants Block LLC Mixed-Use Downtown Development

117 – 147 W. Liberty Street & 101-139 N. Walnut Street, Wooster, Oh.



2016 Auditor's Map



Original Freedlander Site – Demolished



Merchants Block as of 2/2016

Parcel Series 64-00528.000 outlined in yellow in "2016 Auditor's Map," showing the property along W. Liberty Street. Agreement 10-002 resulted in the demolition of the former Freedlander's Department Store and new construction of Wooster's largest downtown mixed-use building. Before and After pictures are shown above. Parcels transferred from Merchants Block LLC to Mr. Edward D. Howman are: 64-00528.000, 64-00528.002, 64-00528.003, 64-00528.004, 64-00528.005, 64-00528.006, 64-00528.007, 64-00528.008, 64-00528.009, 64-00528.010, 64-00528.011, 64-00528.012, 64-00528.013, 64-00528.014, 64-00528.015, 64-00528.016, 64-00528.017. Parcels not included in the transfer, but benefitting from the CRA contingent upon annual performance are: 64-01687.000, 64-01687.001, 64-01687.002, 64-01687.003, 64-01687.004, 64-01687.005, 64-01687.006, 64-01687.007, 64-01687.008, 64-01687.009, 64-00528.000, 64-00528.002, 64-00528.003, 64-00528.004, 64-00528.005, 64-00528.006, 64-00528.007, 64-00528.008, 64-00528.009, 64-00528.010, 64-00528.011, 64-00528.012, 64-00528.013, 64-00528.014, 64-00528.015, 64-00528.016, 64-00528.017.

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.

Merchants Block, LLC

November 3, 2016

City of Wooster
538 N. Market Street
Wooster, Ohio 44691

Dear City of Wooster,

Merchants Block, LLC currently has a community reinvestment area agreement, CRA #10-002, in place with the City of Wooster for improvements to its building at 117-147 Liberty Street/101/139 N. Walnut Street, Wooster, Ohio.

We respectfully request that the City of Wooster modify its current agreement to allow a new owner (Mr. Ed Howman) to receive the same benefits, as this benefit has been part of our negotiations to sell our property.

Thank you for your consideration.

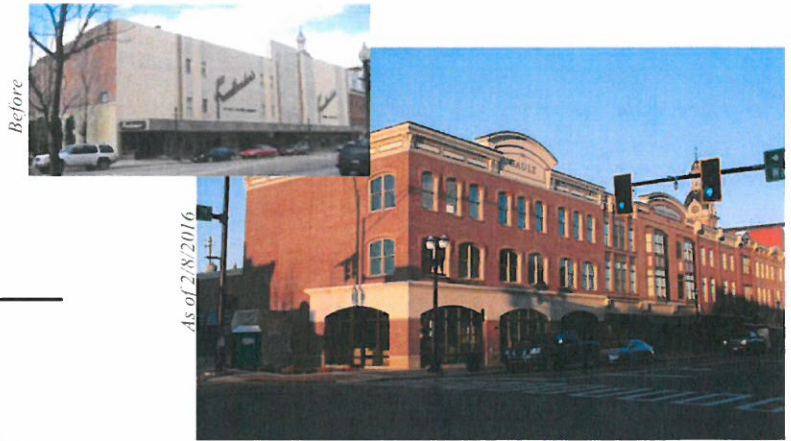
Sincerely,



Michael R. Rose



CRA
#169-86548-01



CRA#: 169-86548-01

Merchants Block LLC

117- 147 W. Liberty and 101 - 139 N. Walnut

Parcels: Multiple - 64-01687 and 64-00528 Series

Agreement 10-002

Execution: 12/21/2010

Expiration: 12/31/2024

Incentive: 12-Year, 100 Percent Real / Personal Property

School District: Wooster City School District

Commitment:		As of 12/2006	As of 12/2007	As of 12/2008	As of 12/2009	As of 12/2010	As of 12/2011	As of 12/2012	As of 12/2013	As of 12/2014	As of 12/2015
Property:	\$6,020,000	-	-	-	-	-	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000
Exemption:	\$6,020,000	-	-	-	-	-	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000
Personal:	\$0	-	-	-	-	-	\$0	\$0	\$0	\$0	\$0
Total Jobs:	6	-	-	-	-	-	0	0	2	2	8
Total Payroll:	\$92,000	-	-	-	-	-	\$0	\$0	\$50,000	\$293,347	\$297,465
New Jobs:	6	-	-	-	-	-	0	0	2	2	8
New Payroll:	\$92,000	-	-	-	-	-	\$0	\$0	\$50,000	\$293,347	\$297,465
Saved Jobs:	0	-	-	-	-	-	0	0	0	0	0
Saved Payroll:	\$0	-	-	-	-	-	\$0	\$0	\$0	\$0	\$0

Incentive Impacts:	2006 Pay 2007	2007 Pay 2008	2008 Pay 2009	2009 Pay 2010	2010 Pay 2011	2011 Pay 2012	2012 Pay 2013	2013 Pay 2014	2014 Pay 2015	Project Totals
Real Taxes Paid	-	-	-	-	\$3,630	\$4,125	\$4,218	\$307	\$11,729	\$12,036
Real Taxes Foregone	-	-	-	-	-	-	-	\$45,290	\$81,818	\$127,108
Personal Taxes Paid	-	-	-	-	-	-	-	\$0	\$0	\$0
Personal Taxes Foregone	-	-	-	-	-	-	-	\$0	\$0	\$0

Previous Compliance

April 29, 2015 - TIRC Recommended Continuing Existing Agreement based on 2014 Reporting.

Summary

Merchants Block, which completed construction in 2013 on the former site of the Freedlander's Department Store, securing purchase contracts on nine residential units by the end of 2014. The site supports two restaurant tenants (Jimmy Johns and Lemonberry), two retailers (Faithful Little Cupcake and Motts Oils and More) and office (Wayne County Republican Party). Three residential units remained in addition to about half of the first-floor retail area. Parcels: 64-01687.000, 64-01687.001, 64-01687.002, 64-01687.003, 64-01687.004, 64-01687.005, 64-01687.006, 64-01687.007, 64-01687.008, 64-01687.009, 64-00528.000, 64-00528.002, 64-00528.003, 64-00528.004, 64-00528.005, 64-00528.006, 64-00528.007, 64-00528.008, 64-00528.009, 64-00528.010, 64-00528.011, 64-00528.012, 64-00528.013, 64-00528.014, 64-00528.015, 64-00528.016, 64-00528.017.

CONSENT LEGISLATION

Ordinance/Resolution No. Resolution 2016-63
PID No. 93097
Project Name D03 RM FY2017

The following Resolution 2016-63 enacted by the City of Wooster of Wayne County, Ohio,
(~~Ordinance~~ Resolution)
hereinafter referred to as the City, in the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the State has identified the need for the described project:

To perform a bridge approach reactive maintenance paving project on three structures in the City of Wooster in Wayne County:

- *State Route 83 over State Route 3 (Cleveland Rd).*
- *State Route 3/83 over Apple Creek.*
- *US Route 250 over US Route 30/State Route 3.*

The bridge approach paving on these three structures in the City of Wooster is part of a larger reactive maintenance project in ODOT District Three.

This project is currently scheduled to be constructed in the summer of 2017.

NOW THEREFORE, be it ordained by the City of Wooster of Wayne County, Ohio.

SECTION II - Consent Statement

Being in the public interest, the City gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The City shall cooperate with the Director of Transportation in the above described project as follows:

- 1) *The City gives consent for the above improvement,*
- 2) *No funds are required from the City except that the City agrees to assume and bear one hundred percent (100%) of the total cost for added construction items requested by the City and not necessary for the improvement as determined by the State and the Federal Highway Administration.*

SECTION IV - Maintenance

The City will maintain the right-of-way and keep it free of obstructions, and hold said right-of-way inviolate for public highway purposes.

SECTION V - Authority to Sign

The City Administrator of said City of Wooster is hereby empowered on behalf
(Contractual Agent)

of the City of Wooster to enter into contracts with the Director of Transportation
necessary to complete the above described project.

Passed: _____, 201____.
(Date)

Attested: _____
(Clerk) (Officer of City - title) **Mayor**

Attested: Clerk of Council
(Title) (President of Council)

Resolution 2016-63

This _____ is hereby declared to be an emergency measure to expedite the highway
(Ordinance/Resolution)
project and to promote highway safety. Following appropriate legislative action, it shall take
effect and be in force immediately upon its passage and approval, otherwise it shall take effect
and be in force from and after the earliest period allowed by law.

CERTIFICATE OF COPY
STATE OF OHIO
City of Wooster of Wayne County, Ohio

I, Christa Sturgeon, as Clerk of the City of Wooster of Wayne County, Ohio,
Do hereby certify that the foregoing is a true and correct copy of Res. 2016-63 adopted by
the legislative Authority of the said City of Wooster on this ____ day of ____, 201__,
that the publication of such Res 2016-63 has been made and certified of record according to
law; that no proceedings looking to a referendum upon such Res 2016-63 have been taken;
and that such Res 2016-63 and certificate of publication thereof are of record in
Res 2016-63, Page n/a.
(Ordinance/Resolution) (Ordinance/Resolution) (Ordinance/Resolution) (Ordinance/Resolution)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official
seal, if applicable, this 5 day of December, 2016,

(SEAL)
(if Applicable)

Clerk Signature
City of Wooster of Wayne County, Ohio.

The foregoing is accepted as a basis for proceeding with the project herein described.

For the City of Wooster of Wayne County, Ohio

Attest: _____, Date _____
Contractual Officer

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation

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

Division Engineering	Meeting Date Requested December 5, 2016
Project Name ODOT Bridge Approach Reactive Maintenance Paving Project	Approved for Agenda
Estimated Total Cost \$0.00	
Is Full Amount Budgeted <input type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded?	
Description Of Purchase This is a request to give consent to ODOT so they can perform bridge approach reactive maintenance paving on three bridges; State Route 83 over State Route 3, State Route 3/83 over the Apple Creek and US Route 250 over US 30/State Route 3.	
Justification / Benefits The Ohio Department of Transportation has committed to funding 100% of all paving costs.	
Will This Project Effect the City's Operating Costs This project will not effect on the City's operating costs.	
What Alternatives Exist and What Are The Implications of The Alternatives We could do nothing, and forfeit the ODOT funds and be responsible for maintenance.	
Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Explain The Circumstances This is a request to simply consent and cooperate with ODOT.	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Note Reasons Passage on first reading is required since ODOT has requested that signed legislation be returned as soon as possible.	
Division Manager Roger Kobilarcsik	Date November 29, 2016

ORDINANCE NO. 2016-36

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$4,850,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING THE CITY'S SANITARY SEWERAGE SYSTEM BY ACQUIRING WASTEWATER TREATMENT FACILITIES AND EQUIPMENT, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Finance as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 40 years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is 240 months from their date of issuance.

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

Section 1: Authorized Principal Amount of Anticipated Bonds and Purpose. It is necessary to issue bonds of the City in an aggregate principal amount of not to exceed \$4,850,000 (the Bonds) to pay costs of improving the City's sanitary sewerage system by acquiring wastewater treatment facilities and equipment, together with all necessary appurtenances thereto.

Section 2: Estimated Bond Terms. The Bonds shall be dated approximately December 1, 2017, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first interest payment on the Bonds is estimated to be June 1, 2018, and the first principal payment on the Bonds is estimated to be December 1, 2018.

Section 3: Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Council determines that notes in an aggregate principal amount of not to exceed \$4,850,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date not later than one year from the date of issuance by setting forth that maturity date in the certificate awarding the Notes and signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360day year consisting of 12 30-

day months), payable at maturity or at any date of earlier prepayment as provided for in Section 4 and until the principal amount is paid or payment is provided for. The principal amount of and rate of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award.

Section 4: Payment of Debt Charges; Paying Agent; Prepayment. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America, as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office or other office of a bank or trust company designated by the Director of Finance in the Certificate of Award, after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the Paying Agent). If agreed to by the Original Purchaser, the Notes shall be prepayable without penalty or premium at the option of the City at any time prior to maturity (the Prepayment Date) as provided in this Ordinance. Prepayment prior to maturity shall be made by deposit with the Paying Agent of the principal amount of the Notes together with interest accrued thereon to the Prepayment Date. The City's right of prepayment shall be exercised by mailing a notice of prepayment, stating the Prepayment Date and the name and address of the Paying Agent, by certified or registered mail to the Original Purchaser and to the Paying Agent not less than seven days prior to the Prepayment Date. If money for prepayment is on deposit with the Paying Agent on the Prepayment Date following the giving of that notice, interest on the principal amount prepaid shall cease to accrue on the Prepayment Date. The Director of Finance may request the Original Purchaser to use its best efforts to arrange for the delivery of the Notes at the designated office of the Paying Agent for prepayment, surrender and cancellation.

Section 5: Execution of Notes; Book Entry System. The Notes shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the Director of Finance. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued

by the City and payable only to a Depository or its nominee, with such Notes “immobilized” in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6: Award and Sale of the Notes. The Notes shall be sold at not less than par plus accrued interest by the Director of Finance to the original purchaser identified in the

Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance and the Certificate of Award. The Director of Finance shall sign the Certificate of Award evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

The Director of Finance is authorized to (i) engage the services of a municipal advisor and (ii) request a rating for the Notes from one or more nationally recognized rating agencies in connection with the sale and issuance of the Notes. The expenditure of the amounts necessary to engage a municipal advisor and/or secure any rating and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 7: Application of Note Proceeds. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8: Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9: Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year, to the extent that revenues and surplus funds from the City's sanitary sewerage system or other moneys are

available for the payment of debt charges on the Notes and Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of revenues and funds and/or moneys so available and appropriated.

Section 10: Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Notes as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants), choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Section 11: Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance and the Certificate of Award to the Wayne County Auditor.

Section 12: Satisfaction of Conditions for Note Issuance. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 13: Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 14: Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 15: Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 16: Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City, and for the further reason that this Ordinance is required to be immediately effective so that the Notes can be sold at the earliest possible date to enable the City to timely enter into an agreement to acquire an anaerobic digester system for the wastewater treatment facilities which is needed to better protect the health and safety of the citizens of the City; wherefore, this Ordinance 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: _____, 2016

Vote:

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2016

Mayor

Introduced by: _____

FISCAL OFFICER'S CERTIFICATE

TO THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

As fiscal officer of the City of Wooster, Ohio, I certify in connection with your proposed issue of not to exceed \$4,850,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of improving the City's sanitary sewerage system by acquiring wastewater treatment facilities and equipment, together with all necessary appurtenances thereto (the improvement), that:

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 40 years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is 240 months from their date of issuance.

Dated: December 1, 2016



Director of Finance
City of Wooster, Ohio

RESOLUTION NO. 2016-64

A RESOLUTION AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO ENTER INTO CONTRACT TO
PURCHASE AN ANAEROBIC DIGESTER SYSTEM AND
ASSOCIATED COMPONENTS CONSTRUCTED AND
INSTALLED AT THE CITY OF WOOSTER'S WASTE WATER
TREATMENT PLANT

WHEREAS, pursuant to a 2013 ground lease and management services agreement with the City of Wooster ("City"), Wooster Renewable Energy, LLC ("WRE") has owned and operated an Anaerobic Digestion System at the City's Waste Water Treatment Facility;

WHEREAS, the City desires to purchase and operate the Anaerobic Digestion System, and WRE, and associated parties, including but not limited to, Quasar Energy Group LLC, Buckeye Biogas LLC, and Forest City Enterprises, have agreed to sell the system, along with its component parts, to the City; and

WHEREAS, such purchase shall be financed by the issuance and sale of notes, in anticipation of the issuance of bonds, as provided by Ordinance No 2016-36; and

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

SECTION 1. That the Director of Administration is authorized to enter into a contract with Wooster Renewable Energy, and any other associated or necessary parties, to purchase the Anaerobic Digestion System and its component parts.

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

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

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

Passed: _____, 2016 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2016
Mayor

Introduced by: Craig Sanders

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

Division Utilities/Admin	Meeting Date Requested November 30, 2016
Project Name Digester Purchase & Funding	Approved for Agenda
Estimated Total Cost \$4,695,486	
Is Full Amount Budgeted <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If No, How Is The Purchase To Be Funded? The requested legislation would authorize the issuance and sale of notes, in anticipation of the issuance of bonds.	
Description Of Purchase This is a request to authorize the financing and entering into a purchase agreement for the anaerobic digester treatment facilities and equipment located at the City WRRF. The agreement would eliminate the current ground lease and management services agreement between WRE and the City. The purchase price is generally in conformance with the depreciated amount originally agreed to in the Ground Lease, taking into account capital improvements and expenditures.	
Justification / Benefits WRE desires to sell its interest in the digester facilities, and all related investments, and the City desires to purchase and operate the anaerobic digester system, including the gas powered electric generation facilities. The benefits of the City operating the facility would also include control over feedstock sources and quantities, control over lagoon usage and operation, and ultimate control of odor production and mitigation.	
Will This Project Effect the City's Operating Costs The O&M costs to operate the digester system will increase the overall WRRF operating costs, but will be offset by the additional electricity provided at no cost. Almost all of the electricity required to operate the WTP and the WRRF would be generated by the City owned facilities. Ownership and operation of the digester facilities will also allow for future revenue opportunities from third party waste generators.	
What Alternatives Exist and What Are The Implications of The Alternatives Alternatives would include allowing WRE to sell the digester system to another third party operator, with whom the City would have no prior relationship, nor have any ties to the local community. A third party operator would also limit the City's ability to control operations and manage odors.	
Is This A Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Explain The Circumstances The facility is currently owned and operated by WRE, a joint venture between Quasar Energy Group and Forest City Enterprises.	
Are You Requesting Suspension Of The Rules <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, Note Reasons While suspension of the rules is not absolutely necessary, we anticipate finalizing the agreement within the next month, and would be required to issue at least partial payment immediately upon executing the agreement. The authorization to issue notes would allow for execution upon agreement.	
Division Manager Joel Montgomery	Date November 30, 2016

ORDINANCE NO. 2016-37

AN ORDINANCE REVISING THE AUTHORIZED RANGE OF
PAY SCALES AND BENEFITS FOR HOURLY RATED AND
SALARIED EMPLOYEES AT WOOSTER COMMUNITY
HOSPITAL, AND REPEALING FORMER ORDINANCES

WHEREAS, the Board of Governors of Wooster Community Hospital, at its meeting on November 23, 2016, recommended the adoption of new maximum pay scales and benefits to remain competitive within the industry and community; and

WHEREAS, the Charter and Ordinances of the City of Wooster provide that the Board of Governors shall fix compensation for hospital personnel, subject to the approval of City Council.

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

SECTION 1. That the authorized range of pay scales and benefits for hourly rated personnel and salaried employees of the Wooster Community Hospital by grade and job group, respectively, shall be as shown on the schedule attached and made a part of this document, and shall be made effective as of January 8, 2017.

SECTION 2. That the Board of Governors of Wooster Community Hospital shall have the authority to establish, or to promulgate the rules and regulations for establishing, the grade or job group into which each position at the hospital should be placed.

SECTION 3. That all previous ordinances and resolutions or sections in conflict with this Ordinance are repealed.

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.

SECTION 5. This Ordinance shall take effect and be in full force from and after the earliest date 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

ORDINANCE NO. 2016-38

AN ORDINANCE TRANSFERRING APPROPRIATIONS
WITHIN A FUND FROM ONE ACCOUNT OBJECT CODE
LEVEL TO ANOTHER; AND DECLARING AN EMERGENCY

WHEREAS, the Council of the City of Wooster adopted an Annual Appropriation Ordinance No. 2015-37 for Fiscal Year 2016, and from time-to-time it becomes necessary to amend that Ordinance; and

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

SECTION 1. That the following transfers of appropriations for the calendar year 2016 in the general fund for the City of Wooster, Ohio, are made as follows:

Transferring Appropriations within the General Fund, as designated in Exhibit A (attached)

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 full force from and after the earliest date 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)

This Ordinance will transfer appropriations within the general fund to the police division cost center to cover the cost of the City's share of capital items, equipment, software and leasehold improvements relating to the Wooster Ashland Regional Council of Governments. The City's share of capital for 2016 was \$271,000. The original plan was for capital was a low interest loan or grant, which was detailed in the original cost estimates. Ultimately, the WARCOG simply purchased the needed start-up capital items and equipment.

These were one time start-up costs that will not be included in future operations or capital budgets.

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

No, but needs passed prior to 12/31/2016.

Manager Requesting

Date

Approved for Agenda

Ordinance No. 2016-38

Exhibit - A

<u>Amount</u>	<u>Cost Center - Account Object Code Level</u>	<u>Account Numbers</u>
(40,000.00)	Street Lighting - Operations and Maintenance	280102 2350
(10,000.00)	Parking - Operations and Maintenance	231643 2330
(1,000.00)	Accounting - Personal Services	271703 1630
(4,000.00)	Accounting - Operations and Maintenance	271703 2370
(40,000.00)	Income Tax - Personal Services	272703 1110
(5,000.00)	Treasury Division - Personal Services	273703 1630
(10,000.00)	Law - Operations and Maintenance	260705 2371
(7,500.00)	Development - Operations and Maintenance	280402 2350
(15,000.00)	Director of Administration - Personal Services	280702 1110
(2,500.00)	Director of Administration - Operations and Maintenance	280702 2370
(10,000.00)	Director of Administration - Operations and Maintenance	280702 2372
(10,000.00)	Director of Administration - Operations and Maintenance	280702 2373
(15,000.00)	Human Resources - Personal Services	281702 1110
(3,000.00)	IT - Personal Services	282706 1110
(2,000.00)	Mayor - Personal Services	290701 1110
175,000.00	Police - Operations and Maintenance	211101 2370
-	Total	