

CITY COUNCIL AGENDA
February 19, 2013
7:30 p.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. Second Reading – ORDINANCE NO. 2013-08 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CONDOR PACIFIC PROPERTIES, LLC FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY (Ansel)

VII. NEW BUSINESS

1. First Reading – RESOLUTION NO. 2013-18 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ISSUE PAYMENT TO OUTSIDE COUNSEL FOR REPRESENTATION WITH RESPECT TO ONGOING WASTEWATER TREATMENT PLANT ISSUES, AND DECLARING AN EMERGENCY (Sanders)
2. First Reading – RESOLUTION NO. 2013-19 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR MOWING SERVICES FOR CITY-OWNED PROPERTY (Silvestri)
3. First Reading – RESOLUTION NO. 2013-20 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE WATER, SEWER AND STORM SEWER REPAIR PARTS FOR THE UTILITIES DIVISION (Sanders)
4. First Reading – RESOLUTION NO. 2013-21 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT(S) WITH THE LOWEST AND BEST BIDDER(S) FOR FURNISHING BITUMINOUS MATERIAL AND CONCRETE (Ulbright)
5. First Reading – RESOLUTION NO. 2013-22 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH DUKES, INC. OF SYRACUSE, NEW YORK FOR ROOT TREATMENT FOR THE WASTEWATER SYSTEM (Sanders)
6. First Reading – RESOLUTION NO. 2013-23 A RESOLUTION AUTHORIZING THE PUBLIC WORKS ADMINISTRATOR TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR PROVIDING TREE SERVICE (Silvestri)
7. First Reading – RESOLUTION NO. 2013-24 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PROCEED WITH A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF SR 83 WITHIN THE CITY OF WOOSTER; AND AUTHORIZING THE ISSUANCE OF PAYMENT FOR THE CITY'S PORTION OF THE PROJECT EXPENSE, AND DECLARING AN EMERGENCY (Ulbright)

8. First Reading – RESOLUTION NO. 2013-25 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR THE PURCHASE OF SPECIALIZED TECHNOLOGY; TO-WIT: UPDATED MICROSOFT OFFICE SOFTWARE FOR ALL CITY DEPARTMENTS AND DIVISIONS (Ansel)
9. First Reading – RESOLUTION NO. 2013-26 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 THE WATER LINE SERVING THE VINE STREET AREA (Sanders)
10. First Reading – RESOLUTION NO. 2013-27 A RESOLUTION DECLARING IT NECESSARY TO IMPROVE FRIENDSVILLE ROAD BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, PAVING, RESURFACING, CONSTRUCTING CURBS, GUTTERS, SIDEWALKS AND DRIVEWAY APPROACHES, CONSTRUCTING A TURNING LANE, INSTALLING STORM SEWERS, CATCH BASINS, MANHOLES, WATER MAINS, FIRE HYDRANTS, AND TRAFFIC CONTROL SIGNS AND DEVICES, AND ACQUIRING ANY REAL ESTATE AND INTERESTS THEREIN REQUIRED THEREBY, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY (Ulbright)

VIII. MISCELLANEOUS
IX. ADJOURNMENT

ORDINANCE NO. 2013-08

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

WHEREAS, Condor Pacific Properties, LLC, dba Gomaplast Machinery, Inc., is a for-profit enterprise which desires to construct new facilities, including offices, a showroom, and fabrication, assembly and warehousing facilities, on property located on Long Road in the city of Wooster, within the area designated by Wooster City Council as the community reinvestment area (CRA), including a capital investment of up to \$1,620,000.00 for improvements to the existing facility; and it has requested tax abatement as an incentive to make these improvements; and

WHEREAS, the Wooster Growth Corporation, as the designated community improvement corporation for the City of Wooster, has reviewed the request for CRA tax incentives and has recommended its adoption; and the Wooster City 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 Condor Pacific Properties, LLC, dba Gomaplast Machinery, Inc., 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 50%; (2) for a maximum term not to exceed twelve (12) years; (4) retention of at least six (6) full-time jobs; and (4) such other terms as the Mayor, in his/her discretion, deems appropriate.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this ordinance occurred in an open meeting of this Council, in compliance with 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 expansion 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 2-4-13 2nd reading _____ 3rd reading _____

Passed: _____, 2013

Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2013

Mayor

Introduced by: Jon Ansel

**CITY OF WOOSTER
COMMUNITY REINVESTMENT AREA PROGRAM**

**APPLICATION
(OHIO DEPARTMENT OF DEVELOPMENT SUGGESTED FORMAT)**

PROPOSED AGREEMENT for Community Reinvestment Area Tax Incentives between the City of Wooster, located in Wayne County, Ohio, and

CONDOR PACIFIC PROPERTIES, LLC

(Property Owner)

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

Condor Pacific Properties, LLC

Marcelo S. Hildebrandt

Enterprise Name

Contact Person

500 E. Henry Street

330-263-7845

Address

Telephone Number

- b. *Project site:*

Gomoplast Machinery, Inc. (GMI)

Marcelo S. Hildebrandt

Location Name

Contact Person

Parcel # 67-00283.002 (Long Rd)

330-263-7845

Address

Telephone Number

2. a. *Nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site.*
Machinery Sales, Design, Fabrication, Assembly, Warehousing, Showroom

- b. *List primary 6 digit North American Industry Classification System (NAICS) #* _____

Business may list other relevant SIC numbers: _____

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

N/A

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

CORPORATION

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

Marcelo S. Hildebrandt

Nancy W. Hildebrandt

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

Full-time, permanent: N/A

Full-time, temporary: N/A

Part-time, permanent: N/A

Part-time, temporary: N/A

Total:

- b. *Will the project involve the relocation of employment positions or assets from one Ohio location to another? Yes No*

- c. *If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:*

N/A

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

Full-time, permanent: 6

Full-time, temporary:

Part-time, permanent: 1

Part-time, temporary:

Total: 7

- e. State the enterprise's **current employment level** for each facility to be **affected by the relocation** of employment positions or assets (add additional sheets if necessary):

Facility/Location(s):	N/A	_____	_____	_____
Full-time, permanent:	N/A	_____	_____	_____
Full-time, temporary:	N/A	_____	_____	_____
Part-time, permanent:	N/A	_____	_____	_____
Part-time, temporary:	N/A	_____	_____	_____
Total:	N/A	_____	_____	_____

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

N/A

5. Does the Property Owner owe:

- a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?
Yes ___ No X
- b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes ___ No X
- c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not? Yes ___ No X
- d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets).

6. Project Description: (Attach additional sheets if necessary)

GMI is a machinery company with domestic and international sales. The proposed expansion project will give GMI space to grow, while consolidating its existing offices into one larger/central office and a new machinery showroom. It would also provide additional fabricating, assembling and warehousing space. GMI could locate this new office/building in Orrville, Wadsworth, or Akron, which would mean relocating most or all of its existing employees.

7. Project will begin April, 2013,

and be completed April, 2014, provided a tax exemption is provided.

8. a. Estimate the number of **new employees** the property owner will cause to be created at the facility that is the project site (job creation projection must be itemized by the name of the employer, full and part-time and permanent and temporary, as applicable):

Employer(s):	<u>N/A</u>	<u> </u>	<u> </u>
Full-time, permanent:	<u>N/A</u>	<u> </u>	<u> </u>
Full-time, temporary:	<u>N/A</u>	<u> </u>	<u> </u>
Part-time, permanent:	<u>N/A</u>	<u> </u>	<u> </u>
Part-time, temporary:	<u>N/A</u>	<u> </u>	<u> </u>
Total:	<u>N/A</u>	<u> </u>	<u> </u>

b. State the time frame of this projected hiring: N/A yrs.

- c. State proposed **schedule for hiring** (itemize by full and part-time and permanent and temporary employees, as applicable):

Full-time, permanent:	<u>N/A</u>
Full-time, temporary:	<u>N/A</u>
Part-time, permanent:	<u>N/A</u>
Part-time, temporary:	<u>N/A</u>

9. a. Estimated amount of annual payroll such new employees will add: (**new annual payroll** must be itemized by full and part-time and permanent and temporary new employees, as applicable).

Full-time, permanent:	<u>\$ N/A</u>
Full-time, temporary:	<u>\$ N/A</u>
Part-time, permanent:	<u>\$ N/A</u>
Part-time, temporary:	<u>\$ N/A</u>
Total:	<u>\$ N/A</u>

- b. **If claiming job retention** in support of CRA Application, indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project:

Full-time, permanent:	<u>\$ 350,000</u>
Full-time, temporary:	<u>\$ 10,000</u>
Part-time, permanent:	<u>\$</u>
Part-time, temporary:	<u>\$</u>
Total:	<u>\$ \$ 360,000</u>

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

A. Acquisition of Buildings:	\$ 220,000 - Land
B. Additions/New Construction:	\$ 1'200,000-1'400,000
C. Improvements to existing buildings:	\$ _____
D. Machinery & Equipment:	\$ _____
E. Furniture & Fixtures:	\$ _____
F. Inventory:	\$ _____

Total New Project Investment: \$ 1'420,000 - 1'620,000

11. a. Business requests the following tax exemption incentives: 50 % for years, covering \$ 1,620,000 of real property improvements as shown above. (Be specific as to the percentage and term.)
- b. Business's reasons for requesting tax incentives (be as quantitatively specific as possible):

See attached

Submission of this application expressly authorizes the City of Wooster to contact the Ohio Environmental Protection Agency to confirm statements contained within this application, including item # 5, and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver form allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request.

The Applicant agrees to supply additional information upon request.

The Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefits as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

Marcelo S. Hildebrandt

December 28, 2012

(Name of Property Owner)

(Date)



Marcelo S. Hildebrandt - President

(Signature)

(Typed Name and Title)

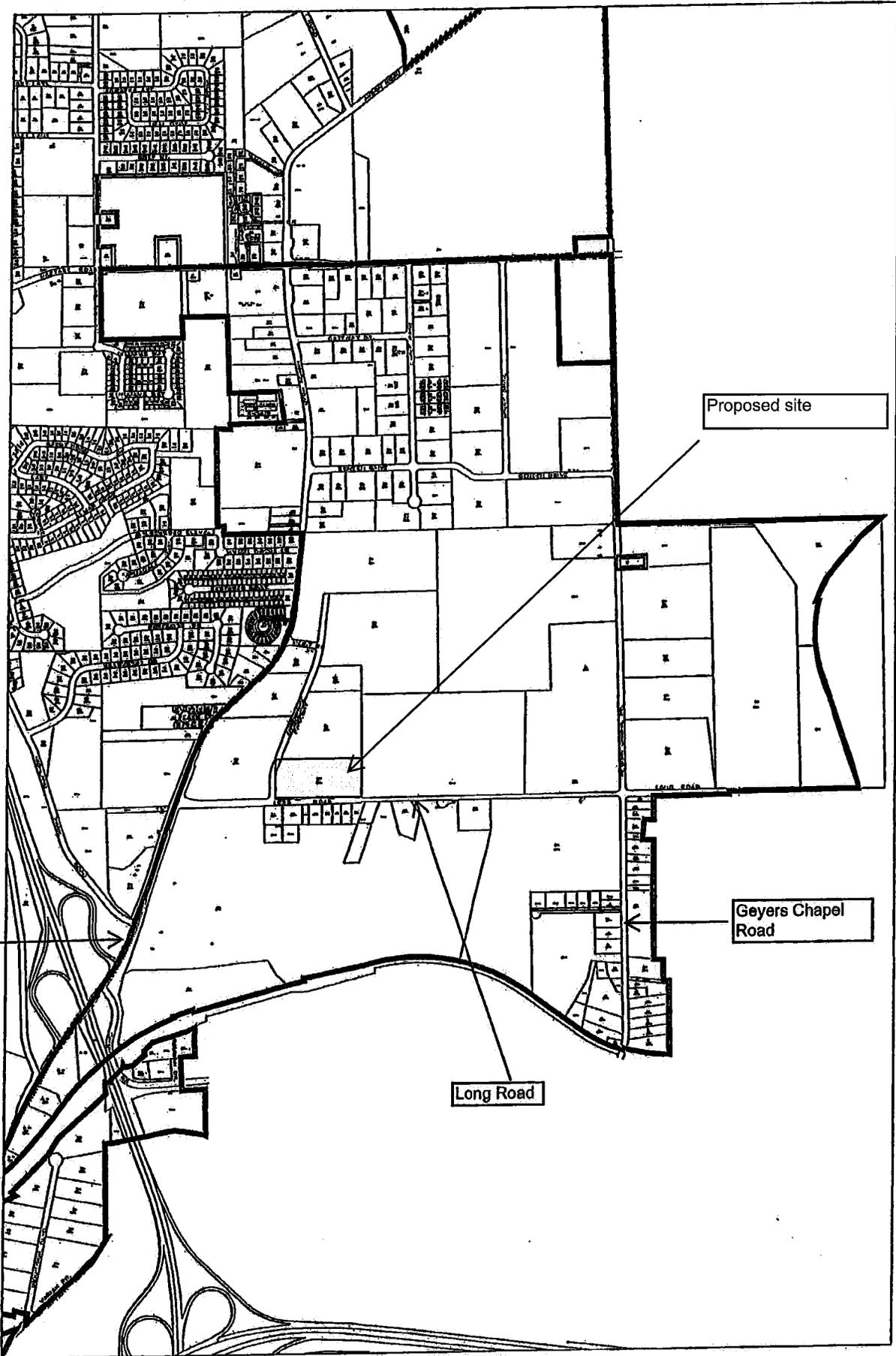
* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

** Attach to Final Community Reinvestment Area Agreement as Exhibit A

Please note that copies of this proposal must be included in the finalized Community Reinvestment Area Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Department of Development within fifteen (15) days of final approval.

11.b

GMI is a machinery company with domestic and international sales. The proposed expansion project will give GMI space to grow, while consolidating its existing offices into one larger/central office and a new machinery showroom. It would also provide additional warehousing/assembling space. GMI could locate this new office/building in Orrville, Wadsworth, or Akron, which would mean relocating most or all of its existing employees.



SR585

Proposed site

Geyers Chapel Road

Long Road

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

Division PPM Project Name City Wide Mow Requested Meeting Date 2/19/2013

- Approved for Agenda
 Full Amount is Budgeted

If not, how is purchase to be funded?

Description of Purchase

To enter into contract to have various city wide properties maintained.
Not to exceed budgeted amounts in the blow listed cost centers. (2012 contract was (\$58,763)
211101-2370
231716-2370
251301-2370
731502-2370
742502-2370
742504-2370
743504-2370
743514-2370

Justifications / Benefits

With the reduction in staffing in the PPM Division it is most economical to contract services from a local vender for this function and to leave PPM staff to facilitate the more technical aspects of City maintenance such as traffic light maintenance, street and sidewalk repairs and fleet upkeep.

How will this project effect the City's operating budget?

Fully funded

What alternatives exist, and what are the implications of the alternatives?

Keep the mowing within the PPM Division and reduce the quality and quantity of maintenance on these properties and detract from the more technical City maintenance preformed by our staff.

Sole Source Bid or Non-Bid Situation?

If Yes, explain the circumstances

Requesting suspension of the rules?

If Yes, explain reasons.

In order to move forward rapidly and meet the 2013 mowing schedules.

Division Manager

Daryl Decker

Date

2/8/2013

Res #19

RESOLUTION NO. 2013-20

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE WATER, SEWER AND STORM SEWER REPAIR PARTS FOR THE UTILITIES DIVISION

WHEREAS, the Director of Administration has recommended the purchase of water, sewer and storm sewer repair part for the Utilities Division, and the cost of this purchase is included in the operating budget for 2013.

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 make the purchase of water, sewer and storm sewer repair parts from HD Supply of Ashland, Ohio. This is a purchase, the nature of which is for the purchase of supplies or a replacement or supplemental parts for a product or equipment owned by the City, and thus exempt from the competitive bidding requirement.

SECTION 2. The cost of such purchase will not exceed the amounts budgeted for this purpose in the 2013 Appropriations Budget adopted by this Council in Ordinance No. 2012-32.

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: _____, 2013 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2013
Mayor

Introduced by: Craig Sanders

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

Division PPM

Project Name Water, Sewer & Storm Water materials

Requested Meeting Date 2/19/2013

Approved for Agenda

Full Amount is Budgeted

If not, how is purchase to be funded?

Description of Purchase

To purchase repair and replacement parts such as man hole lids, casting, water boxes and various parts required to maintain the City's utilities infrastructure.

Funding will come from the following accounts for an approximate total of \$48,000.00 for 2013

742502-2330
743502-2330
731502-2330

Justifications / Benefits

Parts are needed to preform the continual repairs to our utility infrastructure system.

How will this project effect the City's operating budget?

Fully funded

What alternatives exist, and what are the implications of the alternatives?

None

Sole Source Bid or Non-Bid Situation?

If Yes, explain the circumstances

We have specific infrastructure equipment that needs to be matched to make the required repairs. Alternative parts are either not available to match our system or are not of an acceptable quality.

Requesting suspension of the rules?

If Yes, explain reasons.

In order to move forward with replacement parts to be supplied for our spring work schedule

Division Manager

Daryl Decker

Date

2/8/2013

Res #20

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

Division PPM Project Name Bituminous Bid Requested Meeting Date 2/19/2013

- Approved for Agenda
 Full Amount is Budgeted

If not, how is purchase to be funded?

Description of Purchase
Approval to go to bid for pricing on purchase of bituminous products and concrete unless pricing is available through either the Ohio Department of Administrative Services Cooperative Purchasing Program or the Ohio Department of Transportation Purchasing Program.

Justifications / Benefits
Materials are needed to do road, walk and drive repairs for the 2013 work season.

How will this project effect the City's operating budget?
Fully budgeted

What alternatives exist, and what are the implications of the alternatives?
Not to do the required work, therein allowing our roads to deteriorate.

Sole Source Bid or Non-Bid Situation?

If Yes, explain the circumstances

Requesting suspension of the rules?

If Yes, explain reasons.
So that we may rapidly move forward to begin work in the 2013 season

Division Manager Daryl Decker Date 2/11/2013

Res#21

RESOLUTION NO. 2013-22

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH DUKES, INC. OF SYRACUSE, NEW YORK FOR ROOT TREATMENT FOR THE WASTEWATER SYSTEM

WHEREAS, it is necessary from time to time to treat the wastewater system for root growth in order to protect the conveyance of waste water to the water pollution control plant, and the cost thereof is included in the operating budget for 2013.

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 technical services contract with Dukes, Inc. of Syracuse, New York for root treatment for the city wastewater system.

SECTION 2. The cost of such contract shall not exceed the amount budgeted for this purpose in the 2013 Appropriations Budget adopted by this Council in Ordinance No. 2012-32.

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: _____, 2013
Mayor

Introduced by: Craig Sanders

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

Division Project Name Requested Meeting Date

- Approved for Agenda
- Full Amount is Budgeted

If not, how is purchase to be funded?

Description of Purchase

Justifications / Benefits

How will this project effect the City's operating budget?

What alternatives exist, and what are the implications of the alternatives?

Sole Source Bid or Non-Bid Situation?

If Yes, explain the circumstances

Requesting suspension of the rules?

If Yes, explain reasons.

Division Manager Date

ROS#22

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

Division Project Name Requested Meeting Date

- Approved for Agenda
 Full Amount is Budgeted

If not, how is purchase to be funded?

Description of Purchase

Approval to go to bid for pricing on tree work for City trees under the Shade Tree Program's direction.

Justifications / Benefits

The Shade Tree Program needs to do tree work following storms, as projects or problems develop or as part of their routine maintenance of the City's trees. Some of this work is outside the scope of ability and equipment the City currently has.

How will this project effect the City's operating budget?

Fully budgeted

What alternatives exist, and what are the implications of the alternatives?

Not to do the required work, therein creating legal ramifications and tree issues.

Sole Source Bid or Non-Bid Situation?

If Yes, explain the circumstances

Requesting suspension of the rules?

If Yes, explain reasons.

So that we may rapidly move forward to begin work on our tree needs within the 2013 budget.

Division Manager Date

Res #25118

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

Division Engineering	Meeting Date Requested February 19, 2013
Project Name ODOT WAY-83- 8.06 PID 88670	Approved for Agenda
Estimated Total Cost \$200,000.00	
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 for final authorization to participate with ODOT for a portion of the ODOT SR83 resurfacing from Liberty to the south corp line. A portion of this section of roadway is inside the corp. line and a portion is outside. The City is agreeing to pay only 20% of the inside City corp. paving costs.	
Justification / Benefits The Ohio Department of Transportation has committed to funding 80% of the construction costs with the City responsible for 20% of the construction costs located within the City corp. The City authorized cooperation and participation in Res 2012-34, on March 5, 2012.	
Will This Project Effect the City's Operating Costs This project should have little or no effect on the City's operating costs. Road maintenance should be reduced after the project is completed.	
What Alternatives Exist and What Are The Implications of The Alternatives There are no reasonable alternatives. If we fail to give consent, the City could ultimately be held responsible for the 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 This is an ODOT project which the City has previously agreed to cooperate.	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Note Reasons ODOT is requesting that the completed legislation be returned to them no later than February 22, 2013.	
Division Manager Roger Kobilarcsik	Date February 5, 2013

Res #18²⁴

FINAL RESOLUTION

The following Final Resolution enacted by the City of **Wooster**, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, on **5th day of March, 2012**, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of resurfacing State Route 83, lying within the City of Wooster; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid and State funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of **One Hundred Sixty One Thousand Two Hundred Ninety and - - - - 00/100 Dollars, (\$161,290.00)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

- I. That the estimated sum, of **One Hundred Sixty One Thousand Two Hundred Ninety and - - - - 00/100 Dollars (\$161,290.00)** is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.

- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- III. That the LPA enter into a contract with the State, and that **Mayor** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.
- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the _____ day of _____, 2 _____, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume _____, at Page _____, and under date of _____, 2 _____.

Legislative Authority of the
City of **Wooster**, Ohio

Mayor

SEAL
(If Applicable)

Clerk (Secretary Ex-Officio)

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

Division Information Technology

Project Name Office Software Replacement

Requested Meeting Date 2/19/2013

Approved for Agenda

Full Amount is Budgeted

If not, how is purchase to be funded?

Description of Purchase

145 Microsoft Office software licenses for \$36,686.45 to update each division's PCs and laptops to Microsoft Office 2010.

Justifications / Benefits

Our current Microsoft Office version, Office 2003, reaches end-of-life status in April 2014. After that, Microsoft will no longer provide security updates for this version. Since Microsoft Office is the primary software package used by all City divisions, it's essential that we run a supported, actively maintained version. In addition to the security considerations, in the years since it was first released, Microsoft Office 2003 has been superceded by two newer versions. Many of the features introduced in the newer versions are not translatable when opened in Office 2003. This fact has caused increasing difficulties for City staffers opening and editing documents received from other organizations that were created in newer versions of Microsoft Office. Upgrading will eliminate these operational problems.

How will this project effect the City's operating budget?

No additional costs to the operating budget will be incurred as a result of this upgrade.

What alternatives exist, and what are the implications of the alternatives?

We could postpone this purchase until the 2014 budget year. The implications of this alternative is that we would have insufficient time to upgrade the software before the end-of-life deadline in April. Additionally, we could not make the purchase at all, and continue to Microsoft Office 2003 indefinitely. The implications of this alternative is that we would become drastically exposed to any new security flaws discovered in Office 2003, which would remain unaddressed. We would also experience increasing compatibility problems as fewer and fewer organizations use Office 2003 format documents.

Sole Source Bid or Non-Bid Situation?

If Yes, explain the circumstances

This software will be purchased under the Ohio state term contract with Microsoft.

Requesting suspension of the rules?

If Yes, explain reasons.

Division Manager James Dodd

Date 2/8/2013

Res # 25

RESOLUTION NO. 2013-26

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 THE WATER LINE SERVING THE VINE STREET AREA

WHEREAS, it is necessary to replace the water line serving Vine Street, between Spruce Street and Buckeye Street extension, and the cost thereof is included in the capital plan for 2013; and

WHEREAS, this City Council deems that prompt action is necessary to complete the project to improve the safe and efficient distribution of water within the area.

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 the replacement of the water line serving Vine Street, in accordance with specifications now on file in his office.

SECTION 2. The cost of such contract will not exceed the amount budgeted in the 2013 Appropriations Budget adopted by this Council in Ordinance No. 2012-32.

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 it shall take effect and be in force from and after the earliest period allowed by law.

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

Passed: _____, 2013 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2013
Mayor

Introduced by: Craig Sanders

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

Division Engineering	Meeting Date Requested February 19, 2013
Project Name : Vine Street Waterline Replacement - Bid & Award	Approved for Agenda
Estimated Total Cost \$50,000	
Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded? This project will be funded from the amount in the miscellaneous waterline repair budget.	
Description Of Purchase This is a request to authorize advertisement and award of a contract to the lowest and best bidder for improvements to the water distribution and transmission system on Vine Street between Spruce Street and Buckeye extension.	
Justification / Benefits The City's utilities personnel have noted that this is an existing 2" galvanized line which has had two breaks in the past. This project is part of the City's overall plan to replace the existing 2" waterlines within the City.	
Will This Project Effect the City's Operating Costs This project should reduce maintenance costs by repairing a 2" deteriorating waterline.	
What Alternatives Exist and What Are The Implications of The Alternatives Do nothing, and continue to repair the waterline as it breaks and patch holes in the pavement as best as possible.	
Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, Explain The Circumstances	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Note Reasons Currently G.E. Baker Construction is under contract for the Market/Spruce Sewer Separation project and earlier passage of this request would allow for easier coordination with the work currently taking place.	
Division Manager Roger Kobilarcsik	Date February 8, 2013

RESOLUTION NO. 2013-27

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE FRIENDSVILLE ROAD BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, PAVING, RESURFACING, CONSTRUCTING CURBS, GUTTERS, SIDEWALKS AND DRIVEWAY APPROACHES, CONSTRUCTING A TURNING LANE, INSTALLING STORM SEWERS, CATCH BASINS, MANHOLES, WATER MAINS, FIRE HYDRANTS, AND TRAFFIC CONTROL SIGNS AND DEVICES, AND ACQUIRING ANY REAL ESTATE AND INTERESTS THEREIN REQUIRED THEREBY, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

WHEREAS, Council has previously authorized and requested the City Engineer to have plans, profiles, specifications and an estimate of cost prepared for the improvement described in Section 1; and

WHEREAS, the proposed improvement will specially benefit properties in a large area of this City as described in Section 4 by improving and widening roads and installing traffic signs and devices, thereby improving traffic flow, control and access in that area; and

WHEREAS, pursuant to a study undertaken at the direction of the City Engineer, traffic generation information as to such properties is available to the City Engineer in preparing the portion of the estimated special assessments related thereto; and

WHEREAS, the City Engineer also has information as to those properties in that area which, in addition to being specially benefited by the improvement of traffic flow, control and access in that area, will also be specially benefited by the construction of sidewalks and driveway aprons abutting or serving such properties, which information is available to the City Engineer in preparing the portion of the estimated special assessments related thereto in accordance with the City's customary and usual practice with respect to assessments for sidewalks and driveway aprons.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO, three-fourths of all members elected or appointed thereto concurring, that:

SECTION 1. It is declared necessary to improve Friendsville Road, from Riffel Road to Milltown Road, by grading, draining, widening, paving, resurfacing, constructing curbs, gutters, sidewalks and driveway approaches, constructing a turning lane, installing storm sewers, catch basins, manholes, water mains, fire hydrants, and traffic control signs and devices, and acquiring any real estate and interests therein required thereby, all together with the necessary appurtenances thereto.

SECTION 2. The plans, specifications, profiles and estimate of cost of the improvement, which the City Engineer has caused to be prepared and filed in the office of the Clerk of Council, are hereby approved. The improvement shall be constructed in accordance with the plans, specifications

and profiles for the improvement.

SECTION 3. This Council finds and determines that (i) the improvement is conducive to the public health, convenience and welfare of this City and the inhabitants thereof, and (ii) the lots and lands to be assessed as described in Section 4 hereof are specially benefited by the improvement.

SECTION 4. The City shall assume and pay as its portion all of those costs of the improvement relating to utilities and a portion of those remaining costs of the improvement which are not assessed, all as shown on the cost estimate prepared by the City Engineer and on file with the Clerk of Council (which City portion exceeds the costs of intersections plus 2% of the costs of the improvement **plus 50%** of the cost of appropriating any required real estate and interests therein). As contemplated in the preambles hereto, the remaining costs of the improvement, as shown on the cost estimate prepared by the City Engineer and on file with the Clerk of Council, shall be assessed in proportion to the benefits that may result therefrom upon all lots and lands within the City of Wooster located within the area described in Exhibit A (attached hereto).

SECTION 5. The cost of the improvement shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of damages resulting from the improvement and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, the cost of purchasing, appropriating, and otherwise acquiring therefore any required real estate or interests therein, expenses of legal services including obtaining legal opinions, cost of labor and material, and interest on securities issued in anticipation of the levy and collection of the special assessments, or, if securities in anticipation of the levy of the special assessments are not issued, interest at a rate not to exceed 6% per year on monies advanced by this City for the cost of the improvement in anticipation of the levy of the special assessments, together with all other necessary expenditures.

SECTION 6. The City Engineer is authorized and directed to prepare and file in the office of the Clerk of Council the estimated special assessments of the cost of the improvement described in this resolution. Those estimated special assessments shall be based upon the estimate of cost the improvement now on file in the office of the Clerk of Council and shall be prepared pursuant to the provisions of this resolution. When the estimated special assessments have been so filed, the Clerk of Council shall cause notice of the adoption of this resolution and the filing of the estimated assessments to be served in the manner provided by law on the owners of all lots and lands to be assessed.

SECTION 7. The special assessments to be levied shall be paid according to the following payment schedule: in **fifteen** annual installments, with interest on the unpaid principal amount of each special assessment at the same rate as shall be borne by any securities to be issued in anticipation of the collection of the total of the unpaid special assessments, or, if such securities are not issued, at the rate or rates of interest determined by Council when it passes the assessing ordinance levying those assessments; provided, that the owner of any property assessed may pay the special assessment in cash within 30 days after passage of the assessing ordinance.

SECTION 8. The City presently intends to issue securities in anticipation of the collection of

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

Division Engineering	Meeting Date Requested February 19, 2013
Project Name Friendsville Road Improvements; Resolution of Necessity for Improvements	Approved for Agenda
Estimated Total Cost \$2,409,000 (ODOT is providing \$1,587,000 in grant funding for construction costs).	
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 declare the necessity of improving Friendsville Road from just north of Milltown Road to Riffel Road, and begin the process of determining assessments to affected property owners. This project has an ODOT funding designation of WAY-Friendsville Road.	
Justification / Benefits The design for this project is complete and has been awarded funds through the Ohio Dept. of Development for construction. This project must be bid and awarded by July 15th in order to meet our funding schedule deadline. Design drawings, specifications and project cost estimate are on file with the clerk of council.	
Council has already passed 4 pieces of legislation previously authorizing design, R/W acquisition, ODOT funding applications, and ODOT funding agreements.	
Will This Project Effect the City's Operating Costs This project should have little or no affect on the City's operating costs. The existing road would need to be maintained, ditches cleaned periodically, and utilities replaced if not improved.	
What Alternatives Exist and What Are The Implications of The Alternatives We can do nothing and forfeit the grant money, continue maintenance on the existing road, and not address the safety issues resulting from the narrow lanes, deep ditches and future traffic volume increase from potential development.	
Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, Explain The Circumstances	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Note Reasons The ODOT funding schedule must be followed. In order to begin construction, assessments must be calculated, notices sent, equalization board hearing set and recommendations made, and an ordinance to proceed approved. The public notice and filing requirements, along with the Council meeting schedule, require this legislation to be passed on February 19th in order to allow for approval of final assessments by June 1st, and a July 15th bid opening.	
Division Manager Roger Kobilarcsik	Date February 7, 2013