

CITY COUNCIL AGENDA

January 7, 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

PUBLIC HEARINGS:

1. The zoning of a previously annexed .69 acre parcel to an M-2 (General Manufacturing) District for property located on the east side of Geyers Chapel Road, between Long Road and Benden Drive (Brasfond USA Corp); and
2. The zoning of 140.012 acres (being petitioned for annexation) to an M-4 (Open Space/Heavy Manufacturing) District for property located on the west side of State Route 585/Akron Road, between Old Airport Road and Geyers Chapel Road (LUK USA, LLC/The Donald and Alice Noble Foundation.)

VI. OLD BUSINESS

1. Third Reading - ORDINANCE NO. 2012-36 TO AMEND SECTIONS 1701.03 AND 1701.04 OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, IN ORDER TO PROVIDE FOR A ONE-HALF OF ONE PERCENT INCREASE IN THE CURRENT LEVY ON INCOME, FROM ONE PERCENT TO A RATE OF ONE AND ONE-HALF PERCENT ON AND AFTER JANUARY 1, 2014, FOR THE PURPOSES OF GENERAL MUNICIPAL OPERATIONS, MAINTENANCE, NEW EQUIPMENT, EXTENSION AND ENLARGEMENT OF MUNICIPAL SERVICES AND FACILITIES AND CAPITAL IMPROVEMENTS OF THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (Ansel)
2. Third Reading – RESOLUTION NO. 2012-109 DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO AMEND SECTIONS 1701.03 AND 1701.04 OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, IN ORDER TO PROVIDE FOR A ONE-HALF OF ONE PERCENT INCREASE IN THE CURRENT LEVY ON INCOME, FROM ONE PERCENT TO A RATE OF ONE AND ONE-HALF PERCENT ON AND AFTER JANUARY 1, 2014, FOR THE PURPOSES OF GENERAL MUNICIPAL OPERATIONS, MAINTENANCE, NEW EQUIPMENT, EXTENSION AND ENLARGEMENT OF MUNICIPAL SERVICES AND FACILITIES AND CAPITAL IMPROVEMENTS OF THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (Ansel)
3. Second Reading – RESOLUTION NO. 2012-112 IN SUPPORT OF NEFCO's ECONOMIC DEVELOPMENT PLANNING PROGRAM, AND DECLARING AN EMERGENCY (Ansel)

VII. NEW BUSINESS

1. First Reading – ORDINANCE NO. 2013-01 AN ORDINANCE ACCEPTING APPLICATION FOR THE ANNEXATION OF TERRITORY LOCATED ON THE NORTH SIDE OF AKRON ROAD (SR 585), EAST OF ITS INTERSECTION WITH OLD AIRPORT ROAD, AND CONTIGUOUS TO THE CORPORATION LIMITS (J. Douglas Drushal, Esq., Agent for Petitioners LUK, USA, LLC and the Donald and Alice Noble Foundation) (Knapic)

2. First Reading – ORDINANCE NO. 2013-02 AN ORDINANCE AMENDING TITLE ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, SO AS TO ZONE NEWLY-ANNEXED LAND (140.012 ACRES) TO AN M-4 (OPEN SPACE/HEAVY MANUFACTURING) DISTRICT FOR PROPERTY LOCATED ON THE NORTH SIDE OF AKRON ROAD (SR 585), EAST OF ITS INTERSECTION WITH OLD AIRPORT ROAD (Knapic)
3. First Reading – ORDINANCE NO. 2013-03 AN ORDINANCE AMENDING TITLE ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, SO AS TO ZONE NEWLY-ANNEXED LAND (0.69 ACRES) TO AN M-2 (GENERAL MANUFACTURING) DISTRICT FOR PROPERTY LOCATED ON THE EAST SIDE OF GEYERS CHAPEL ROAD, SOUTH OF ITS INTERSECTION WITH BACK ORRVILLE ROAD (Knapic)
4. First Reading – RESOLUTION NO. 2013-01 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO EXECUTE AN AGREEMENT WITH THE STATE OF OHIO, DEVELOPMENT SERVICES AGENCY FOR THE ADMINISTRATION OF A HOUSING REVOLVING LOAN FUND, AND DECLARING AN EMERGENCY (Ansel)
5. First Reading – RESOLUTION NO. 2013-02 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A PROFESSIONAL OR TECHNICAL SERVICES CONTRACT WITH WOOSTER SUMMER BASEBALL, INC. FOR OFFICIATING SERVICES (Cavin)
6. First Reading – RESOLUTION NO. 2013-03 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A PROFESSIONAL OR TECHNICAL SERVICES CONTRACT WITH THE WOOSTER SOCCER ASSOCIATION FOR SOCCER-RELATED ACTIVITIES SERVICES (Cavin)
7. First Reading – RESOLUTION NO. 2013-04 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO CONTRACT FOR THE PROVISION OF TRANSPORTATION SERVICES FOR QUALIFIED PARTICIPANTS (Cavin)
8. First Reading – RESOLUTION NO. 2013-05 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE US ROUTE 30 PAVEMENT MARKINGS PROJECT (PID 89422)
9. First Reading – RESOLUTION NO. 2013-06 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH THE WAYNE COUNTY HUMANE SOCIETY FOR CAT CONTROL SERVICES WITHIN THE CITY OF WOOSTER (Steiner)
10. First Reading – RESOLUTION NO. 2013-07 A RESOLUTION DECLARING THE INTENT OF THE MUNICIPAL GOVERNMENT TO APPROPRIATE CERTAIN PROPERTY INTERESTS FROM PROPERTY OWNERS ADJACENT TO OR ABUTTING THE FRIENDSVILLE ROAD AREA FOR PURPOSES OF PROCEEDING WITH THE IMPROVEMENT THEREOF (Knapic)

11. First Reading – RESOLUTION NO. 2013-08 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR THE DEMOLITION OF THE PROPERTY LOCATED AT 3333 BURBANK ROAD, AND DECLARING AN EMERGENCY (Steiner)
12. First Reading – RESOLUTION NO. 2013-09 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH MBI SOLUTIONS OF DAYTON, OHIO FOR BILLING SERVICES RELATED TO THE CITY EMS SERVICE, AND DECLARING AN EMERGENCY (Ansel)
13. First Reading – RESOLUTION NO. 2013-10 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR TECHNICAL LABORATORY SERVICES (Sanders)
14. First Reading – RESOLUTION NO. 2013-11 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A SOLE SOURCE CONTRACT WITH OHIO DRILLING COMPANY OF MASSILLON, OHIO, FOR SERVICES RELATED TO THE MAINTENANCE AND REPAIR OF CITY WATER WELLS (Sanders)
15. First Reading – RESOLUTION NO. 2013-12 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A TECHNICAL SERVICES CONTRACT FOR THE PROVISION OF ELECTRIC SERVICE TO CITY-OWNED FACILITIES (Ansel)

VIII. MISCELLANEOUS
IX. ADJOURNMENT



WAYNE METROPOLITAN HOUSING AUTHORITY

December 31, 2012

CERTIFIED MAIL RETURN RECEIPT REQUESTED

City of Wooster
Ms. Cheryl Collins, Clerk of Council
538 N. Market Street
Wooster, Ohio 44691

RE: Remington Manor – Wooster, Ohio

Dear Ms. Collins and Members of Council:

The purpose of this letter is to apprise your office that the Wayne Metropolitan Housing Authority/WMHA Remington Manor Corp. will be the sponsor and managing general partner of a residential rental development located in or within a one-half mile radius of your political jurisdiction, and plans to utilize the multifamily funding programs of the Ohio Housing Finance Agency (OHFA) for the development of this property.

Please find attached a detailed Project Narrative that sets forth the pertinent facts regarding the proposed Remington Manor for your review.

The project will draw from a Primary Market Area (PMA) consisting of the City of Wooster and unincorporated areas of Wayne County. The area is approximately bounded by Hutton Road to the north, Geyers Chapel Road, County Highway 359 and Honeytown Road to the east, U.S. Highway 250, Fredericksburg Road and State Route 83 to the south, and Valley Road, Township Highway 35, State Route 539 and Overton Road to the west. Approximately 1,463 families in the market area are eligible to live in the development.

The development will be financed with a conventional first mortgage, Housing Credit proceeds, HDAP funds and possible local funding sources as well.

Timeline: Construction cycle beginning in February, 2014 and ending in February, 2015. The lease-up period will be within six (6) months from completion with an estimated one hundred percent (100%) stabilized occupancy rate.

Income and Rent Targeting

4.5% of the units at or below 30% of area median gross income (\$60,900.00).

16 % of the units at or below 50% of area median gross income (\$60,900.00).

79.5% of the units at or below 60% of area median gross income (\$60,900.00).

Development Team:

General Partners – WMHA Remington Manor Corp. and JIC Remington Manor LLC.

Developer – Jonesboro Investments Corp.

Contractor - TBD

Property Manager – Wayne Metropolitan Housing Authority

Proposed Rents:

The proposed net rents for a two bedroom unit at 30% (or less) of AMI will be \$348.00, \$610.00 at 50% of AMI and \$610.00 at 60% of AMI. The proposed net rents for a three bedroom unit at 30% (or less) of AMI will be \$399.00, \$630.00 at 50% of AMI and \$630.00 at 60% of AMI.

Project Address: 2024 Akron Road, Wooster, Ohio 44691

Number of Units: Forty-Four (44)

Program(s) Utilized
in the Project: OHFA sources to be utilized include the Housing Credit Program and Housing Development Assistance Program

Right to Submit
Comments:

You have the right to submit comments to OHFA regarding the development's impact on the community. If you intend to submit a statement of disapproval or objection, you must submit a written statement that is signed by a majority of the voting members of the legislative body governing your jurisdiction. This written statement must be forwarded to the Executive Director of OHFA and be delivered by certified mail, return receipt requested.

The person to be notified at OHFA and their address is:

Mr. Douglas A. Garver, Executive Director
Ohio Housing Finance Agency
57 E. Main Street
Columbus, OH 43215

A written statement of disapproval or objection must be submitted within 30 days of your receipt of this notice, and must be received by OHFA within 45 days of the date of this letter.

OHFA is required to respond to any written statement submitted under the terms outlined above.

Sincerely,



Stan W. Popp
Executive Director

REMINGTON MANOR

PROJECT NARRATIVE

Remington Manor is an affordable family housing development to be constructed just south of the intersection of Akron and Portage Road in Wooster Ohio. Forty-four (44) new affordable, accessible family apartments will be constructed under the Affordable Housing Tax Credit Program.

Based on initial market research and cost estimates, the new construction two (2) bedroom family apartments will be approximately 900 square feet and the new construction three (3) bedroom family apartments will be approximately 1,100 square feet. Remington Manor will enhance the existing retail/commercial corridor of Akron and Portage Road in adding an affordable family apartment component to the existing retail/commercial district. Twenty-two (22) new affordable family apartments will include two (2) bedrooms and one and one-half (1.5) baths. Twenty-two (22) of the new affordable family apartments will include three (3) bedrooms and two (2) baths.

Financing for the family apartments will include proceeds from: (i) the sale of Housing Tax Credits; and (ii) a conventional permanent loan. The target market for tax credit tenants will primarily be a moderate-income family household making between 30% and 60% of the Wayne County Area Median Income. The target market rents are anticipated to be \$348.00 for a 900 square foot 2 bedroom apartment at 30% AMI, \$610.00 at 50% AMI and \$610.00 at 60% AMI. The target market rents are anticipated to be \$399.00 for a 1,100 square foot 3 bedroom family apartment at 30% AMI, \$630.00 at 50% AMI and \$630.00 at 60% AMI. All 22 of the first floor units will be barrier free units and at least four of those will be fully handicap accessible.

The Remington Manor development is located in census tract 8, just south of the Akron/Portage Road retail corridor, proximate to downtown Wooster, the Cleveland Clinic Hospital and numerous area commercial shopping outlets in the area including a Kmart, Aldi's and CVS.

The Project anticipates commencement of construction on Remington Manor in February 2014 and completing all forty-four (44) apartments by February 2015.

Description and Role of Development Team Members

General Partners: WMHA Remington Manor Corp. ("MHA")
JIC Remington Manor LLC ("JIC")

Sponsor: Wayne Metropolitan Housing Authority

Limited Partner: Ohio Capital Corporation for Housing

Developer: Jonesboro Investments Corp.

Property Manager: Wayne Metropolitan Housing Authority

Architect: RDL Architects, Inc.

Civil Engineer: SJL & Associates

Project Attorney: Peck Shaffer

General Contractor: TBD

Project Sponsor's Role

- 1) The Project Sponsor is responsible for assisting in development activities including, but not limited to, site selection, application preparation for tax credit funding, development team selection, facilitating City and community support, developing project budget, and hiring of the General Contractor.
- 2) The Partnership will act as the Construction Manager to oversee the General Contractor and determine that the quality and pace of construction is consistent with the schedule of the project partnership.
- 3) The Project Sponsor will be the Property Manager for this project. The day-to-day responsibility of leasing, maintenance and repair will be performed by the Wayne Metropolitan Housing Authority.
- 4) The Project Sponsor will be the overall project asset manager. Management of the project, including the financial reporting and physical maintenance, will be performed by the Wayne Metropolitan Housing Authority. The asset management team will have an Advisory Panel, which will meet quarterly to review the financial statements, review the property manager's report and decide on all major capital expenditures.

Financing

Financing for Remington manor will include proceeds from: (i) sale of housing tax credits; and (ii) a conventional permanent loan. The target market for tax credit tenants will primarily be a moderate-income family household making between 30% and 60% of the Wayne County Area Median Income. The target market rents are anticipated to be \$348.00 for a 900 square foot 2 bedroom apartment at 30% AMI, \$610.00 at 50% AMI and \$610.00 at 60% AMI. The target market rents are anticipated to be \$399.00 for a 1,100 square foot 3 bedroom family apartment at 30% AMI, \$630.00 at 50% AMI and \$630.00 at 60% AMI.

Project Timeline

<i>February, 2013</i>	Land Acquired via Option and Real Estate Purchase Agreement Phase 1 Environmental Review Construction Financing Committed Permanent Financing Committed Equity Commitment Letter Formation of Limited Partnership Zoning and Site Plan Approval from City of Wooster
<i>June, 2013</i>	Award of Housing Tax Credits by OHFA
<i>January, 2014</i>	Closing of Project Financing (Equity/Debt) Building Permit Obtained from City of Wooster
<i>February, 2014</i>	Site Preparation Commencement of Construction
<i>August, 2014</i>	50% Completion
<i>February, 2015</i>	Construction Completion Occupancy Approval
<i>October, 2015</i>	Placed in Service

ORDINANCE NO. 2012-36

AN ORDINANCE TO AMEND SECTIONS 1701.03 AND 1701.04 OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, IN ORDER TO PROVIDE FOR A ONE-HALF OF ONE PERCENT INCREASE IN THE CURRENT LEVY ON INCOME, FROM ONE PERCENT TO A RATE OF ONE AND ONE-HALF PERCENT ON AND AFTER JANUARY 1, 2014, FOR THE PURPOSES OF GENERAL MUNICIPAL OPERATIONS, MAINTENANCE, NEW EQUIPMENT, EXTENSION AND ENLARGEMENT OF MUNICIPAL SERVICES AND FACILITIES AND CAPITAL IMPROVEMENTS OF THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY

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

SECTION 1. Section 1701.03 of the Codified Ordinances of the City of Wooster, Ohio, is hereby amended to read as follows (changes *italicized* and in red highlight):

1701.03 IMPOSITION OF TAX.

(a) Subject to the provisions of Section 1701.16, an annual tax for the purposes specified in Section 1701.01 hereof shall be imposed on and after *January 1, 2014*, at the rate of one *and one-half* percent (*1.5%*) per annum upon the following:

- (1) On all salaries, wages, commissions and other compensation earned on and after *January 1, 2014*, by residents of the City;
- (2) On all salaries, wages, commissions and other compensation earned on and after *January 1, 2014* by nonresidents for work done or services performed or rendered in the City, subject to limitations on such taxation set forth in division (H)(8) of Section 718.01 of the Ohio Revised Code;
- (3) On the portion attributable to the City of the net profits earned on and after *January 1, 2014* of all S Corporations, unincorporated businesses, professions or other entities, derived from sales made, work done, services performed or rendered and business or other activities conducted in the City, whether or not such business entity has an office or place of business in the City. The liability of partnerships, S Corporations, and limited liability companies from this tax will be removed upon proper filing of information regarding the allocation of profits to the City of Wooster, the owners, shareholders or partners to which the liability is transferred, and the owner's, shareholder's or partner's distributive share of the entity's profits;

- (4) On the portion of the distributive share of the net profits earned on and after *January 1, 2014* of a resident partner, owner, S Corporation shareholder or beneficiary of an unincorporated business entity or S Corporation not attributable to the City and not levied against such S Corporation or unincorporated business entity. For a resident S Corporation shareholder, only the distributive share of net profits allocable to the State of Ohio is subject to municipal tax, except to the extent that the portion not allocated to Ohio represents wages or earnings from self-employment. However, the liability of an individual partner, S Corporation shareholder, owner or beneficiary taxable hereunder on income attributable to another taxing municipality shall be subject to the relief and reciprocity provisions of Section 1701.15. If a tax liability to another municipality is acknowledged and paid at the entity level, the individual partner, S Corporation shareholder or beneficiary shall be subject to the relief and reciprocity provisions of Section 1701.15 as if the income claimed and tax paid were their own, prorated according to their profit percentage for the entity for that tax period;
- (5) On the portion attributable to the City of the net profits earned on and after *January 1, 2014* of all corporations derived from sales made, work done, services performed or rendered and business or other activities conducted in the City, whether or not such corporations have an office or place of business in the City;
- (6) On the portion of the distributive share of the net profits earned, of a partner, owner, S Corporation shareholder or beneficiary of an S Corporation or unincorporated business entity derived from sales made, work done, services performed or rendered and business or other activities conducted in the City by the S Corporation or unincorporated business entity. Such tax liability of a nonresident partner, owner, S Corporation shareholder or beneficiary shall be removed upon payment of the tax liability by the business entity as described in division (a)(3) of this section. Such tax liability of a resident partner, owner, S Corporation shareholder or beneficiary shall be removed upon payment of the tax liability by the business entity as described in division (a)(3) of this section if the allocation of profits, to the City of Wooster, is 100%. In the event of an allocation of less than 100% to the City of Wooster, the resident partner, owner, S Corporation shareholder or beneficiary shall receive credit for any income taxes paid to the City of Wooster, as an acknowledged income tax liability, in the same ratio to the entity's tax liability as their ownership or beneficiary profit percentage;
- (7) On the net proceeds, excluding deduction for income taxes, from prizes, awards, games of chance or lottery by residents of the City that are taxable for federal income tax purposes. Losses resulting from these activities may be deducted from winnings but only to the extent of net proceeds in any given tax year.

- (b) Business Within and Without The Municipality. [No change]
- (c) Operating Loss Carry Forward. [No change]
- (d) Rentals. [No change]
- (e) Consolidated Returns. [No change]
- (f) Exceptions. [No change]
- (g) Expenses Related to Non-Taxable Income. [No change]

SECTION 2. Section 1701.04 of the Codified Ordinances of the City of Wooster, Ohio, is hereby amended to read as follows (changes *italicized* and in red highlight):

1701.04 EFFECTIVE PERIOD.

Such tax shall be levied, collected and paid with respect to salaries, wages, commissions and other compensation earned on and after *January 1, 2014*, and with respect to the net profit of businesses, professions and other activities earned on and after January 1, *2014*. Where the fiscal year of the business, profession or other activity differs from the calendar year, the tax shall be applied to that part of the net profit for the fiscal year as shall be earned on and after January 1, *2014*, to the close of the taxpayer's fiscal year; thereafter the taxpayer shall report on its fiscal year basis.

SECTION 3. Provided that it receives the approval of a majority of the electors of the City of Wooster, Ohio, the proposed increase will become effective as of January 1, 2014, and Sections 1701.03 and 1701.04 of the Codified Ordinances, as they have heretofore existed, are thereby repealed. Provided, however, that no provision of this Ordinance, including the repeal of Sections 1701.03 and 1701.04 of the Codified Ordinances, as they have heretofore existed, shall in any way affect any rights or obligations of the City, any taxpayer, or any other person, official or entity, with respect to the one percent municipal income tax authorized by Sections 1701.03 and 1701.04.

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 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 the immediate effectiveness of this Ordinance is necessary to provide for necessary municipal functions and capital improvements, and to meet financial obligations of the City in connection therewith; 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 12-3-12 2nd reading 12-17-12 3rd reading _____

Passed: _____, 2012

Vote: _____

Attest: _____

Clerk of Council

President of Council

Approved: _____, 2012

Mayor

Introduced by: Jon Ansel

RESOLUTION NO. 2012-109

A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO AMEND SECTIONS 1701.03 AND 1701.04 OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, IN ORDER TO PROVIDE FOR A ONE-HALF OF ONE PERCENT INCREASE IN THE CURRENT LEVY ON INCOME, FROM ONE PERCENT TO A RATE OF ONE AND ONE-HALF PERCENT ON AND AFTER JANUARY 1, 2014, FOR THE PURPOSES OF GENERAL MUNICIPAL OPERATIONS, MAINTENANCE, NEW EQUIPMENT, EXTENSION AND ENLARGEMENT OF MUNICIPAL SERVICES AND FACILITIES AND CAPITAL IMPROVEMENTS OF THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, WAYNE COUNTY, OHIO, that:

SECTION 1. This Council hereby authorizes and directs the Board of Elections of Wayne County to submit to the electors of the City of Wooster, Ohio, at an election to be held at the usual places of voting in said City on May 7, 2013, the question of approving the passage of the attached Ordinance No. 2012-36 to amend Sections 1701.03 and 1701.04 of the Codified Ordinances of the City of Wooster, Ohio in order to provide for an increase in the current levy on income from a rate of one percent (1%) to a rate of one and one-half percent (1.5%) on and after January 1, 2014, for the purposes of general municipal operations, maintenance, new equipment, extension and enlargement of municipal services and facilities and capital improvements of the City of Wooster

SECTION 2. It is the desire of this Council that the ballots presented to the electors of the City of Wooster shall be in substantially the following form:

**PROPOSED MUNICIPAL INCOME TAX INCREASE
CITY OF WOOSTER**

A majority affirmative vote is necessary for passage

Shall the Ordinance (Ordinance No. 2012-36) providing for a one-half of one percent (0.5%) increase in the current levy on income, from a rate of one percent (1%) to a rate of one and one-half percent (1.5%) on and after January 1, 2014, for the purpose of general Municipal operations, maintenance, new equipment, extension and enlargement of Municipal services and facilities and capital improvements of the City of Wooster, be approved?

	FOR THE INCOME TAX
	AGAINST THE INCOME TAX

SECTION 3. The Clerk of this Council is hereby directed to file a certified copy of this Resolution, together with a certified copy of Ordinance No. 2012-36 with the Board of Elections of Wayne County no later than February 8, 2013.

SECTION 4. 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 5. This Resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City or providing for the usual daily operation of a municipal department or division, and for the further reason that this Resolution must be effective at once in order for the matter of the proposed municipal income tax increase to be placed on the ballot at the May 7, 2013 primary election; 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 12-3-12 2nd reading 12-17-12 3rd reading _____

Passed: _____, 2012

Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2012

Mayor

Introduced by: Jon Ansel

RESOLUTION NO. 2012-112

A RESOLUTION IN SUPPORT OF NEFCO's ECONOMIC
DEVELOPMENT PLANNING PROGRAM, AND DECLARING
AN EMERGENCY

WHEREAS, the Public Works and Economic Development Act of 1965 as amended, delegates to the Economic Development Administration the responsibility of assisting in the development of multi-county planning districts through project grants which assure effective utilization of local resources in creating full-time permanent jobs for the unemployment and under-employed; and

WHEREAS, the purpose of the 1974 amendment to the Public Works and Economic Development Act of 1965 was to further authorize economic adjustment assistance in the form of planning grants under Title IX, and implementation grants under Title I and II, to areas experiencing unemployment caused by structural changes in the area's economy; and

WHEREAS, the Economic Development Administration is authorized through planning and implementation grants to assist area planning efforts to solve problems of economic growth, unemployment and underemployment; and

WHEREAS, the Northeast Ohio Four County Regional Planning and Development Organization ("NEFCO") region is undergoing significant changes in the structure of its economy; and

WHEREAS, the Economic Development Administration has designated the NEFCO region as an Economic Development District (EDD), based on the incidence of unemployment rates; and

WHEREAS, the NEFCO General Policy Board, in conjunction with its 126 local units in government, has formulated the NEFCO 2013-2016 EDA Work Program.

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

SECTION 1. That the Wooster City Council hereby approves and supports NEFCO's application for funding of the NEFCO Economic Development Planning Program, and will continue to participate in the NEFCO Economic Development District Program.

SECTION 2. The Clerk of Council is hereby authorized and directed to mail or otherwise deliver promptly a certified copy of this Resolution to the executive director of NEFCO.

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, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary to offer timely support for this important economic development program; 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 12-17-12 2nd reading _____ 3rd reading _____

Passed: _____, 2012 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2012
Mayor

Introduced by: Jon Ansel

ORDINANCE NO. 2013-01

AN ORDINANCE ACCEPTING APPLICATION FOR THE ANNEXATION OF TERRITORY LOCATED ON THE NORTH SIDE OF AKRON ROAD (SR 585), EAST OF ITS INTERSECTION WITH OLD AIRPORT ROAD, AND CONTIGUOUS TO THE CORPORATION LIMITS (J. Douglas Drushal, Esq., Agent for Petitioners LUK, USA, LLC and the Donald and Alice Noble Foundation)

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

SECTION 1. That the proposed annexation (consisting of approx 140.012 ac.), as applied for in the petition described above, and as approved for annexation to the City of Wooster by the Board of County Commissioners of Wayne County on September 19, 2012, is hereby accepted. The territory to be annexed is described in the petition, a copy of which is attached hereto and incorporated herein by reference.

The certified transcript of the proceedings for annexation, together with an accurate map of the territory, the petition for annexation and other papers relating to the proceedings of the Wayne County Commissioners, are on file with the Clerk of this Council, and have been for more than sixty (60) days.

SECTION 2. The Clerk of Council is hereby directed to make three (3) copies of this Ordinance, to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners of Wayne County relating thereto, and a certificate as to the correctness thereof. The Clerk shall then forthwith deliver one copy to the Wayne County Auditor, one copy to the Wayne County Recorder and one copy to the Secretary of State, and shall file notice of this annexation with the Wayne County Board of Elections within thirty (30) days after it becomes effective; and the Clerk shall do all other things required by law.

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

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

Passed: _____, 2013

Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2013

Mayor

Introduced by: Barbara A. Knapic

PETITION FOR ANNEXATION

To the Board of Commissioners of Wayne County, State of Ohio

The undersigned, being a majority of the owners of real estate in the following described territory within the County of Wayne and adjacent to the City of Wooster, Ohio, petitions the Board of Commissioners of Wayne County, Ohio, to annex the territory described below to the City of Wooster. The territory to be annexed is fully described as follows:

See attached Exhibit A.

The Tax Account Numbers are: 51-00136.000 and 51-00136.001.

The parcels described herein for annexation consists of 140.012 acres.

An accurate map of this territory is attached hereto and incorporated herein as a part of this Petition as Exhibit B.

J. Douglas Drushal, 225 North Market Street, Wooster, Ohio, is hereby appointed and authorized to act as agent for the undersigned petitioners in securing such annexation with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area; to substitute an agent; to do any and all things essential thereto and to take any action necessary for obtaining the granting of this petition. Said amendment, alteration, change, correction, withdrawal, refiling, substituting, compromise, increase or deletion, or other actions for granting of this petition shall be made in the petition, description and/or plat by said agent without further expressed consent of petitioners.

[Signatures appear on the following page]

RECEIVED
WAYNE COUNTY
COMMISSIONERS OFFICE
JUL - 2 P 2:45

[Signature Page – Petition for Annexation]

The total number of owners of real estate in the above-described territory is two (2).

The Donald and Alice Noble Foundation, Inc.

By: David M. Noble
David Noble, President

Date: June 25 __, 2012

LUK USA, LLC

By: Marc L. McGrath

Name: Marc McGrath

Title: President Luk USA LLC

Date: May 31, 2012

By: StH Crow

Name: STEVEN L. CROW

Title: Secretary

Date: June 5 __, 2012

**LIST OF ALL TRACTS, LOTS AND PARCELS IN THE
TERRITORY PROPOSED FOR ANNEXATION AND ADJACENT
TO THAT TERRITORY OR DIRECTLY ACROSS THE ROAD FROM IT**

Owner Name	Mailing Address	Permanent Parcel Number
LuK USA LLC	3401 Old Airport Rd., Wooster, OH 44691	67-02100.000
The Village Network, Inc. f/k/a Boys Village Inc.	P.O. Box 517, Smithville, OH 44667	67-02983.000
The Donald and Alice Noble Foundation, Inc.	1061 Venture Blvd., Wooster, OH 44691	67-02100.002
City of Wooster	538 N. Market St., Wooster, OH 44691	67-02983.001
Kurt Elrad	3145 Akron Rd., Wooster, OH 44691	53-01022.000
Wooster Congregation of Jehovah's Witnesses	3233 Akron Rd., Wooster, OH 44691	53-00218.001
Greg First	3139 Geyers Chapel Rd., Wooster, OH 44691	53-00218.002
Five L Farm, Inc.	2971 Zearing Ave., Somers, IA 50586	53-01011.000 51-00137.000
II B Holdings LLC	305 W. Mulberry St., Wooster, OH 44691	67-01151.000
Ramseyer Real Estate, Ltd.	3488 Akron Rd., Wooster, OH 44691	51-00040.000 51-00128.000

EXHIBIT A
REVISED LEGAL DESCRIPTION

Legal Description for a 140.012 Acre Annexation

Date: July 18, 2012

Situated in the Township of Wayne, County of Wayne, State of Ohio, being part of the Northeast Quarter and Southeast Quarter of Section 26, Township 16 North, Range 13 West, being all of a record 102.985 Acre Parcel as conveyed to **The Donald and Alice Noble Foundation, Inc.** by Official Record Volume 672, Page 2337 and all of a record 37.027 Acre Parcel as conveyed to **LUK USA, LLC** by Official Record Volume 694, Page 457 of the Wayne County Recorder's Records, and bounded and described as follows:

Commencing for reference at an iron pin with Gasbarre cap found at the northwest corner of the Northeast Quarter of Section 26 and being the **Principal Point of Beginning** for the parcel described herein;

- 1) **thence North 89 degrees 01 minutes 53 seconds East**, along the northerly line of said 102.985 Acre Parcel, for a distance of **2,585.57 feet**, to a 1" iron bar found at the northeasterly corner of said 102.985 Acre Parcel;
- 2) **thence South 01 degrees 33 minutes 23 seconds East**, along the easterly line of said 102.985 Acre Parcel, for a distance of **1,976.53 feet**, to a 1" iron pipe found at the southeasterly corner of said 102.985 Acre Parcel;
- 3) **thence South 53 degrees 47 minutes 54 seconds West**, along the southeasterly line of said 102.985 Acre Parcel and said 37.027 Acre Parcel, for a distance of **2,502.05 feet**, to the southwesterly corner of said 37.027 Acre Parcel;
- 4) **thence North 03 degrees 31 minutes 28 seconds West**, along an easterly line of **Lot 9598** in LUK Allotment #4 as recorded in Plat Volume 29, Page 410 of the Wayne County Recorder's Records and a westerly line of said 37.027 Acre Parcel, for a distance of **218.94 feet**, to an iron pin with SJL cap found, passing over an iron pin with Gasbarre cap found at a distance of 32.47 feet;
- 5) **thence North 25 degrees 04 minutes 34 seconds West**, along an easterly line of said **Lot 9598** and a westerly line of said 37.027 Acre Parcel, for a distance of **589.06 feet**, to a 3/4" iron pipe found;
- 6) **thence North 18 degrees 47 minutes 24 seconds West**, along an easterly line of said **Lot 9598** and a westerly line of said 37.027 Acre Parcel, for a distance of **291.71 feet**, to an iron pin with SJL cap found;
- 7) **thence North 03 degrees 32 minutes 56 seconds West**, along an easterly line of said **Lot 9598** and a westerly line of said 37.027 Acre Parcel, for a distance of **159.01 feet**, to a 5/8 inch rebar found;
- 8) **thence North 64 degrees 57 minutes 10 seconds East**, along a southeasterly line of said **Lot 9598** and a northwesterly line of said 37.027 Acre Parcel, for a distance of **346.23 feet**, to a iron pin with SJL cap found;

- 9) **thence North 01 degrees 40 minutes 45 seconds West** along an easterly line of said **Lot 9598**, an easterly line of **Lot 9599** of said LUK Allotment #4, a westerly line of said 37.027 Acre Parcel and a westerly line of said 102.985 Acre Parcel, for a distance of **1561.68 feet** to an iron pin with Gasbarre cap at the northeast corner of said **Lot 9599**;
- 10) **thence South 88 degrees 45 minutes 02 seconds West** along the northerly line of said **Lot 9599** and a southerly line of said 102.985 Acre Parcel, for a distance of **509.42 feet** to the northwest corner of **Lot 9599**, witnessed by an iron pin with SJL cap found bearing South 88 degrees 45 minutes 02 seconds West at a distance of 0.09 feet;
- 11) **thence North 01 degrees 15 minutes 32 seconds West** along the westerly line of the Northeast Quarter of Section 26 and the westerly line of said 102.985 Acre Parcel, for a distance of **526.60 feet** to the **Principal Point of Beginning** and containing an area of **140.012 Acres**, of which 129.133 Acres are in the northeast quarter of Section 26 and 10.879 Acres are in the southeast quarter of Section 26;

This description was prepared from a survey in December 2010 and January 2011 by Engineering Associates, Inc. under the direct supervision of D. Lynn Snyder P. S. 7287. It is the intent of this document to describe all of the property in Official Record Volume 672, Page 2337 of the Wayne County Recorder's Records to the City of Wooster which is a record area of 140.012 acres by deed and a calculated area of 139.713 acres by survey.

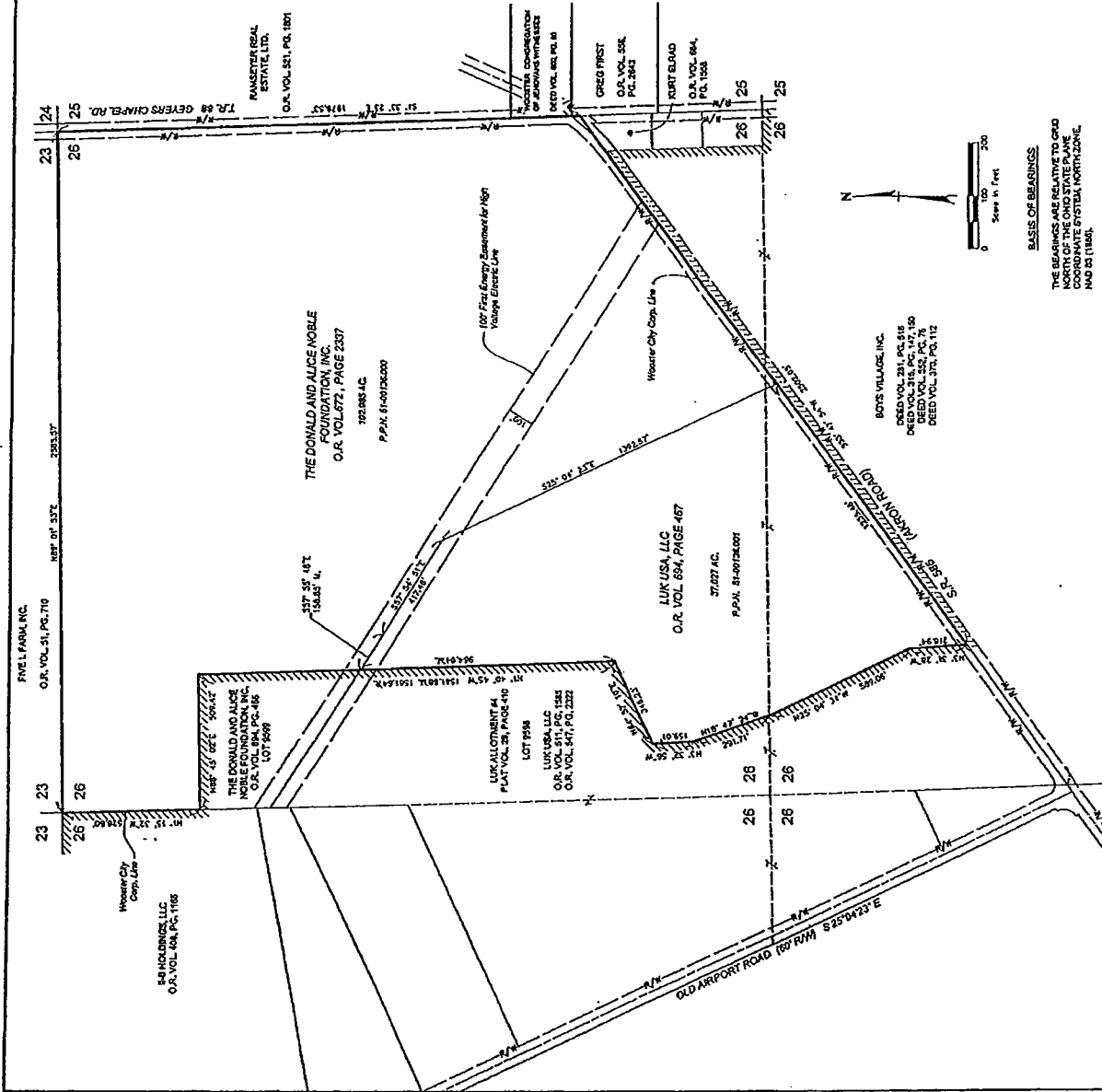
The Basis of Bearing for this description is Grid North of the Ohio State Plane Coordinate System, North Zone, NAD 83(1986).

Exhibit B

WAYNE COUNTY, OHIO



PREPARED BY
ENGINEERING ASSOCIATES, INC.
CONSULTING ENGINEERS
108 EAGLE HALL • WOODSTER, ONT
PHONE: (705) 345-6655



ORDINANCE NO. 2013-02

AN ORDINANCE AMENDING TITLE ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, SO AS TO ZONE NEWLY-ANNEXED LAND (140.012 ACRES) TO AN M-4 (OPEN SPACE/HEAVY MANUFACTURING) DISTRICT FOR PROPERTY LOCATED ON THE NORTH SIDE OF AKRON ROAD (SR 585), EAST OF ITS INTERSECTION WITH OLD AIRPORT ROAD

WHEREAS, an application has been duly filed by Attorney J. Douglas Drushal, agent for Petitioners LUK, USA, LLC and the Donald and Alice Noble Foundation, with the Planning Commission of the City of Wooster requesting the zoning of newly-annexed land to an M-4 (Open Space/Heavy Manufacturing) district; and

WHEREAS, at its November 28, 2012 meeting, and after a public hearing in accordance with law, the Planning Commission voted to recommend to the City Council that said zoning be **approved**; and

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

WHEREAS, this City Council deems that said zoning designation for the newly-annexed land, as recommended by the Planning Commission, should be approved.

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

SECTION 1. That Title Eleven, Zoning, of the Codified Ordinances of the City of Wooster, known as the Zoning Ordinance, be and the same is hereby amended so as to zone newly annexed land (140.012 acres) to an M-4 (Open Space/Heavy Manufacturing) district, in accordance with the recommendation of the Wooster City Planning Commission, for property located on the north side of Akron Road (SR 585), east of its intersection with Old Airport Road, as appears on the map attached hereto.

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

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

SECTION 4. 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 _____

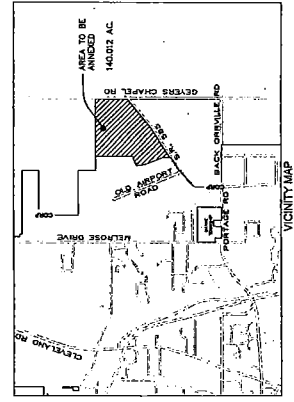
Passed: _____, 2013 Vote: _____

Attest: _____
 Clerk of Council President of Council

Approved: _____, 2013 _____
 Mayor

Introduced by: Barbara A. Knapic

2012 ANNEXATION PLAT
FOR 140.012 ACRES
TO THE CITY OF WOOSTER, OHIO
PART OF N.E. & S.E. QTR. SECTION 26
WAYNE TOWNSHIP, T - 16W R - 13W
WAYNE COUNTY, OHIO



CERTIFIED THIS _____ DAY OF _____, 201____ BY THE WAYNE COUNTY COMMISSIONERS.
RESOLUTION NO. _____.

JIM CARMICHAEL

ANN M. OBRECHT

SCOTT S. WIGGAM

APPROVED THIS _____ DAY OF _____, 2011 BY THE WOOSTER CITY COUNCIL.

ORDINANCE NO. _____ BY _____

APPROVED FOR RECORDING THIS _____ DAY OF _____, 20____ BY THE WAYNE COUNTY TAX MAP

BY _____

RECEIVED FOR TRANSFER THIS DAY OF 2011 BY THE WAYNE COUNTY AUDITOR'S OFFICE.

BY _____

RECEIVED FOR RECORDING THIS _____ DAY OF _____ 201__ BY THE WAYNE COUNTY RECORDER'S OFFICE.

59

RECORDED IN PLAY BOOK _____, PAGE _____, NO. _____ AT _____ O'CLOCK _M_

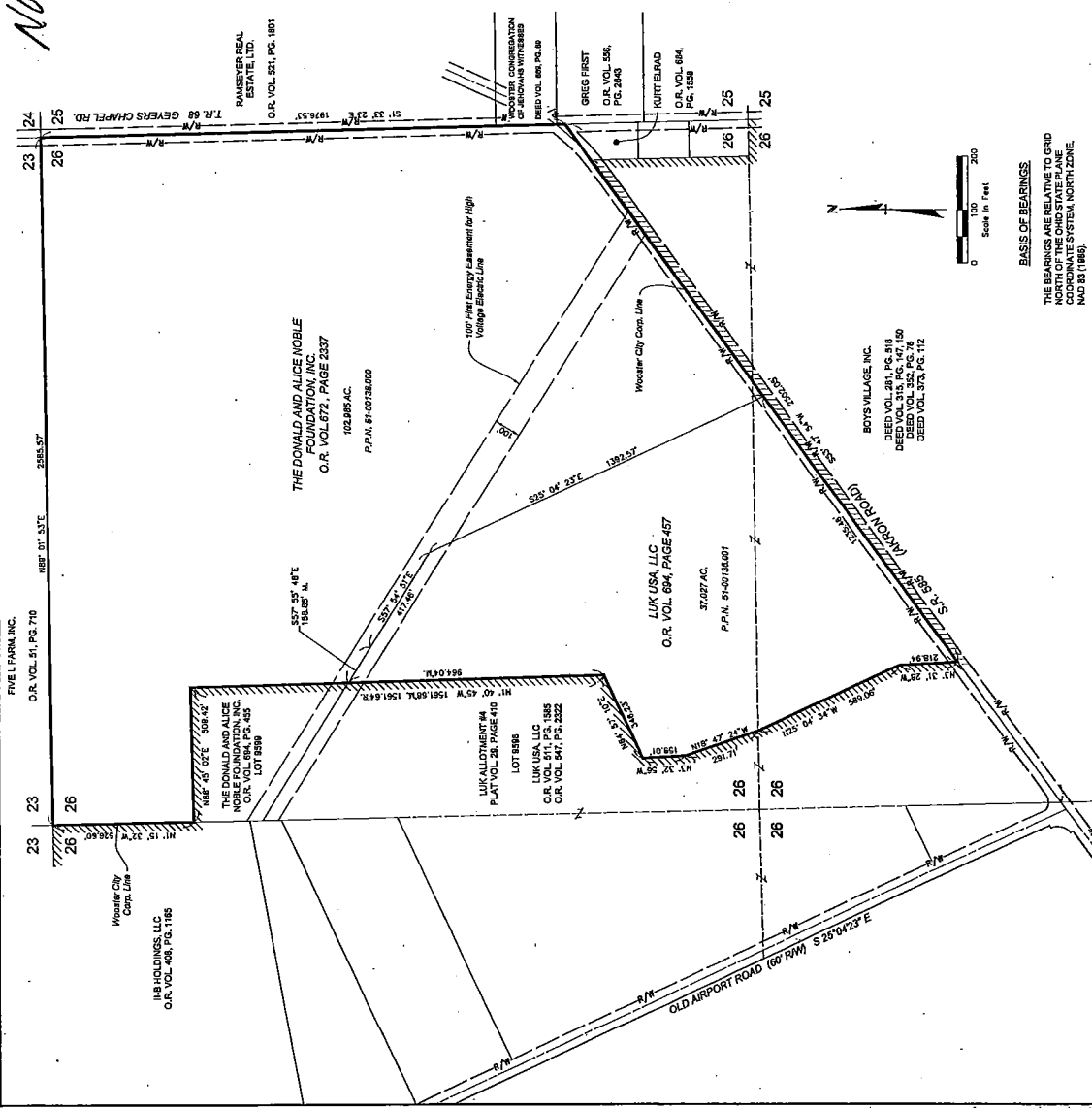
SEE S



THIS ANNEXATION PLAT WAS PREPARED FROM A SURVEY
MADE IN DECEMBER 2010 AND JANUARY 2011, AND IS
CORRECT TO THE BEST OF MY KNOWLEDGE.

W. Lynn Snyder DATE *11/29/11*
W. LYNN SNYDER
REGISTERED SURVEYOR NO. 7367

PREPARED BY
ENGINEERING ASSOCIATES, INC.
CONSULTING ENGINEERS
1003 EAGLE PASS • WOOSTER, OHIO
PHONE: (216) 345-6866



BASIS OF BEARINGS

THE BEARINGS ARE RELATIVE TO GRID NORTH OF THE OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83 (1985).

David D. Noble
Noble Foundation
1061 Venture Boulevard
Wooster, Ohio 44691
330-264-8066
david.noble@noblefound.com

December 21, 2012

Val Jesionek
City of Wooster
Planning and Zoning
538 N. Market Street
Wooster, Ohio 44691

RE: First Farm should be zoned M-2

Dear Val,

As I indicated in my voice mail to you, I have had further discussions with my board members and we now believe M-2 would be a more appropriate zoning designation for the First Farm. This is the property along the north side of 585 west of Geyer Chapel Road. It is bound on the west by a property that the Foundation recently conveyed to Luk, Inc.

You indicated in your voice mail that my desires would carry greater weight than your recommendation. I cannot imagine why this should be the case. You are the expert. I am just a broken down, old trial lawyer who knows nothing of land use zoning.

I apologize for any confusion this might have caused. I thank you for your help with this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "David D. Noble", written in a cursive style.

David D. Noble

CC: Doug Drushal

ORDINANCE NO. 2013-03

AN ORDINANCE AMENDING TITLE ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, SO AS TO ZONE NEWLY-ANNEXED LAND (0.69 ACRES) TO AN M-2 (GENERAL MANUFACTURING) DISTRICT FOR PROPERTY LOCATED ON THE EAST SIDE OF GEYERS CHAPEL ROAD, SOUTH OF ITS INTERSECTION WITH BACK ORRVILLE ROAD

WHEREAS, an application has been duly filed by Justin Starlin, agent for Petitioners the Wooster Growth Corporation and Brasfond USA, with the Planning Commission of the City of Wooster requesting the zoning of newly-annexed land to an M-2 (General Manufacturing) district; and

WHEREAS, at its November 28, 2012 meeting, and after a public hearing in accordance with law, the Planning Commission voted to recommend to the City Council that said zoning be **approved**; and

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

WHEREAS, this City Council deems that said zoning designation for the newly-annexed land, as recommended by the Planning Commission, should be approved.

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

SECTION 1. That Title Eleven, Zoning, of the Codified Ordinances of the City of Wooster, known as the Zoning Ordinance, be and the same is hereby amended so as to zone newly annexed land (0.69 acres) to an M-2 (General Manufacturing) district, in accordance with the recommendation of the Wooster City Planning Commission, for property located on the east side of Geyers Chapel Road, south of its intersection with Back Orrville Road, as appears on the map attached hereto.

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

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

SECTION 4. 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: _____, 2013 Vote: _____

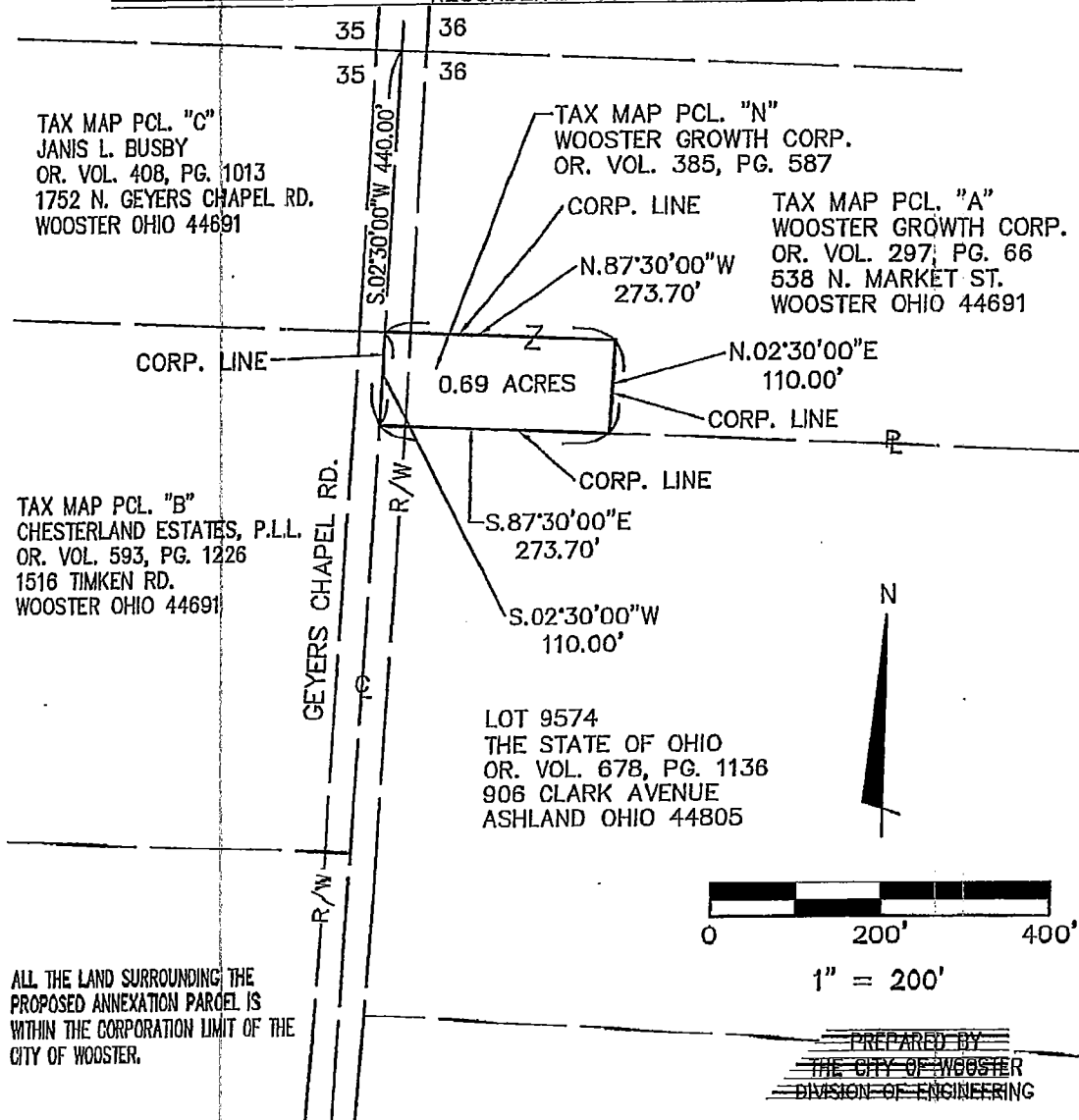
Attest: _____
Clerk of Council President of Council

Approved: _____, 2013
Mayor

Introduced by: Barbara A. Knapic

PROPOSED ANNEXATION
WOOSTER GROWTH CORPORATION

RECORDER'S OFFICE



RESOLUTION NO. 2013-01

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

WHEREAS, the State of Ohio, Development Services Agency, through its Office of Community Development ("OCD"), has determined that the City of Wooster is an eligible recipient of the Community Development Block Grant Program (CDBG) and the HOME Investment Partnerships ("HOME") Program; and

WHEREAS, the City of Wooster has been awarded CDBG and/or HOME funds from the State of Ohio, Development Services Agency through its Office of Community Development ("OCD") to utilize in financing eligible activities that may generate program income; and

WHEREAS, the State of Ohio, Development Services Agency has recognized the positive impact on community development initiatives when the use of program income is locally determined; and

WHEREAS, State of Ohio, Development Services Agency has permitted the establishment of Housing Revolving Loan Funds within local political subdivisions to meet the primary development goals of: 1) improving the affordable housing stock, and 2) providing for the affordable housing needs of low-and moderate-income persons in designated areas served by the Housing Revolving Loan Fund; and

WHEREAS, the City of Wooster agrees to administer and implement the Housing Revolving Loan Funds according to OCD Housing Policies and Procedures Manual; and

WHEREAS, this Council believes that prompt action is necessary in order to implement this program in order to provide continuity of services to the community under this program.

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

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

compliance with law.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary to provide continuity of services to the community under this program; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Passed: _____, 2013 Vote: _____

Attest: _____
 Clerk of Council President of Council

Approved: _____, 2013 _____
 Mayor

Introduced by: Jon Ansel

Request for Agenda Item Non-Capital

Division

Meeting Date Requested

Project Name

☒ Approved for Agenda

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

Council passed Ordinance No. 2010-31 on November 1, 2010 establishing the CDBG CHIP HOME Revolving Loan Fund. In connection with this fund, the State of Ohio, Development Services Agency requires an administration agreement. Our current agreement terminates December 31, 2012. On December 24, 2012, I received a new agreement for January 1, 2013 through December 31, 2015. This Resolution will authorize the Director of Administration to execute the Housing RLF Administration Agreement. As a refresher, I have included the grant objectives below.

Community Development Block Grant (CDBG) Program Objectives:

The primary objective of this program is the development of viable urban communities by providing decent housing, a suitable living environment, and expanding economic opportunities, principally for persons of low- and moderate-income. Each activity funded must meet one of the program's National Objectives by: Benefiting low- and moderate-income families; aiding in the prevention or elimination of slums or blight; or meeting other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available.

HOME Investment Partnerships (HOME) Program Objectives:

Participating jurisdictions may use HOME funds for a variety of housing activities, according to local housing needs. Eligible uses of funds include tenant-based rental assistance; housing rehabilitation; assistance to homebuyers; and new construction of housing. HOME funding may also be used for site acquisition, site improvements, demolition, relocation, and other necessary and reasonable activities related to the development of non-luxury housing.

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

Yes, the current agreement expires on December 31, 2012. We did not receive the new agreement until December 24, 2012.

Manager Requesting

Date

Approved for Agenda

Res #1

RESOLUTION NO. 2013-02

A RESOLUTION AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO ENTER INTO A PROFESSIONAL OR
TECHNICAL SERVICES CONTRACT WITH WOOSTER
SUMMER BASEBALL, INC. FOR OFFICIATING SERVICES

WHEREAS, the Recreation Division sponsors a year-around program of competitive sports activities, and requires the services of individuals experienced in serving as officials for the various activities; and Wooster Summer Baseball, Inc. is able to provide such services; and

WHEREAS, the cost of such services for FY 2013 is budgeted, but will exceed the limits authorized in the codified ordinances, such that this expenditure will require Council approval; and

WHEREAS, this Council deems that prompt action is necessary to continue to afford this needed service for the Recreation Division.

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 professional or technical services contract with Wooster Summer Baseball, Inc. of Wooster, Ohio for officiating services for city-sponsored competitive sports activities.

SECTION 2. The cost of such contract/project 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 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: Mark Cavin

**Request for Agenda Item
Non-Capital**

Division Recreation/Community Services

Meeting Date Requested January 3, 2013

Project Name Wooster Summer Baseball, Inc.

☐ **Approved for Agenda**

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

Requesting authorization to enter into a professional and technical services contract with Wooster Summer Baseball Inc. for Officiating and Instruction services. Contract will not exceed the amount budgeted for this purpose in the Recreation/Community Services Division operating budget for 2013.

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

Manager Requesting Jeff Battig

Date December 19, 2012

Approved for Agenda

Res #2

RESOLUTION NO. 2013-03

A RESOLUTION AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO ENTER INTO A PROFESSIONAL OR
TECHNICAL SERVICES CONTRACT WITH THE WOOSTER
SOCCER ASSOCIATION FOR SOCCER-RELATED ACTIVITIES
SERVICES

WHEREAS, the Recreation Division sponsors a year-around program of competitive sports activities, and requires the services of individuals and organization experienced in serving as coaches and managers for the various activities; and the Wooster Soccer Association is able to provide such services; and

WHEREAS, the cost of such services for FY 2013 is budgeted, but will exceed the limits authorized in the codified ordinances, such that this expenditure will require council approval; and

WHEREAS, this Council deems that prompt action is necessary to continue to afford this needed service for the Recreation Division.

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 professional or technical services contract with the Wooster Soccer Association for services for city-sponsored soccer activities.

SECTION 2. The cost of such contract/project 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 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: Mark Cavin

**Request for Agenda Item
Non-Capital**

Division Recreation/Community Services

Meeting Date Requested January 3, 2013

Project Name Wooster Soccer Association

☐ **Approved for Agenda**

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

Requesting authorization to enter into a professional and technical services contract with Wooster Soccer Association for soccer-related activities and services. The contract will not exceed the amount budgeted for this purpose in the Recreation/Community Services Division operating budget for 2013.

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

Manager Requesting Jeff Battig

Date December 19, 2013

Approved for Agenda

RESOLUTION NO. 2013-04

A RESOLUTION AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO CONTRACT 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, although the cost of such services is budgeted for FY 2013, the amounts payable to carriers for the provision of such services may exceed the individual limits authorized in the codified ordinances, such that further expenditure will require Council approval; and

WHEREAS, this Council deems that prompt action is necessary to continue to afford this needed service for residents of the City of Wooster.

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 contract with qualified carriers for the provision of transportation services to qualified participants.

SECTION 2. The cost of such contract/project 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 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: Mark Cavin

**Request for Agenda Item
Non-Capital**

Division Recreation/Community Services

Meeting Date Requested January 3, 2013

Project Name Transportation Services (Miller Cab, Wooster Express, 5-Star, Wooster Hospitality Transit System and EZ Ryder)

☐ **Approved for Agenda**

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

Requesting authorization to contract for the provision of transportation services for qualified participants. The contract will not exceed the amount appropriated in the Recreation/Community Services operating budget for 2013

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

Yes, costs will exceed \$15,000.00 in February 2013.

Manager Requesting Jeff Battig

Date December 19, 2012

Approved for Agenda

Res #4

CONSENT LEGISLATION

Ordinance/Resolution No. 2013-005
PID No. 89422
Project Name D03 PM FY2013

The following Resolution 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 pavement marking throughout the entire corporation limits of the City of Wooster on US 30. The current edge lines (yellow and white) along with the lane lines will be widened to six inches.

Approximately 1.57 miles of this pavement marking is within the City.

This project is currently scheduled for the summer 2013 construction season.

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 Director of Administration 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: _____, 2013.
(Date)

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

Attested: _____
(Title) (President of Council)

This Resolution 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, Amy M. Hamilton, as Clerk of the City of Wooster of Wayne County, Ohio,

Do hereby certify that the foregoing is a true and correct copy of Resolution adopted by
(Ordinance/Resolution)
the legislative Authority of the said City of Wooster on this ____ day of _____, 2013,

that the publication of such Resolution has been made and certified of record according to
(Ordinance/Resolution)
law; that no proceedings looking to a referendum upon such Resolution have been taken;
(Ordinance/Resolution)
and that such Resolution and certificate of publication thereof are of record in
(Ordinance/Resolution)
Resolution, Page 2013-005 .
(Ordinance/Resolution)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official
seal, if applicable, this ____ day of _____, 2013,

(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 _____

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

Division Engineering	Meeting Date Requested January 7, 2013
Project Name ODOT US 30 Pavement Marking	Approved for Agenda
Estimated Total Cost \$0.00	
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 to give consent to ODOT so they can perform pavement markings throughout the corporation limits of the City of Wooster on US 30. The current edge lines (yellow and white) along with the lane lines will be widened to six inches. There will be no costs to the City of Wooster for the pavement markings.	
Justification / Benefits The Ohio Department of Transportation has committed to funding 100% of the construction costs for this project in FY 2013, with construction taking place in 2013.	
Will This Project Effect the City's Operating Costs This project will have no 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.	
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 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 by January 11, 2013.	
Division Manager Roger Kobilarcsik	Date December 20, 2012

A RESOLUTION AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH
THE WAYNE COUNTY HUMANE SOCIETY FOR CAT
CONTROL SERVICES WITHIN THE CITY OF WOOSTER

Introduced by: Jeffrey A. Steiner

**Request for Agenda Item
Non-Capital**

Division City of Wooster

Meeting Date Requested 07-January-2013

Project Name Humane Society Cat Control Service Contract

☐ **Approved for Agenda**

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

The annual cat control service with the Wayne County Humane Society expires 12/31/2012. This request for legislation is to renew the cat control contract with Wayne County Humane Society for calendar year 2013. The 2013 appropriations budget included \$30,000 for this contract in the General Fund.

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

No

Manager Requesting

Andrei Dordea

Date

28-December-2012

Approved for Agenda

ROS #6

RESOLUTION NO. 2013-07

A RESOLUTION DECLARING THE INTENT OF THE MUNICIPAL GOVERNMENT TO APPROPRIATE CERTAIN PROPERTY INTERESTS FROM PROPERTY OWNERS ADJACENT TO OR ABUTTING THE FRIENDSVILLE ROAD AREA FOR PURPOSES OF PROCEEDING WITH THE IMPROVEMENT THEREOF

WHEREAS, this Council hereby declares it necessary to widen and improve Friendsville Road, including the construction of curbs, gutters, sidewalks and storm sewers, for the safety and benefit of vehicular and pedestrian traffic in that area; and

WHEREAS, time is of the essence in completing the process of right-of-way acquisition in order to facilitate this project, and the city administration, despite all reasonable efforts, has been unable to conclude an agreement for obtaining certain property interests with one of the property owners in the aforementioned area, James M. Richard, Trustee of the Elam R. Richard Trust, which own the following property on Friendsville Road: PPN 53-00456.000.

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

SECTION 1. That this City Council considers it necessary and declares its intention to appropriate certain property interests in and to the premises as more particularly described in the attached Exhibits A and B for the public purpose of widening and improving Friendsville Road, including the construction of curbs, gutters, sidewalks and storm sewers, together with the necessary appurtenances thereto.

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

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

SECTION 4. This Resolution 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: Barbara Knapic

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

Division Administration/Engineering	Meeting Date Requested January 7, 2013
Project Name Friendsville Road Improvements; Resolution of Necessity/Ordinance of Appropriation	Approved for Agenda
Estimated Total Cost \$ 4,770 to \$17,900 (value of parcels which may need to be filed for acquisition, depending on comparable sales).	
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 authorize the aquisition of certain properties on Friendsville Road between Milltown Road and Riffel Road. This request is to begin the filing procedures for one of 3 unsigned propoerties, with the intent of reaching agreement with all before filing, but needing to continue the process in order to meet statutory notice requirements if agreements cannot be reached and funding commitments jepardized. All property owners have been notified and negotiations performed per federal regulations.	
Justification / Benefits The design for this project is complete; ODOT has committed funds for construction; all other properties have been aquired. This project must be bid and awarded by June 1 st in order to meet our funding schedule deadline. In order to begin construction, all property interests must be obtained. The appropriation process and subsequent ODOT certifications could take several months.	
Will This Project Effect the City's Operating Costs This project should have little or no affect on the City's operating costs. This is a for road right-of-way acquisition.	
What Alternatives Exist and What Are The Implications of The Alternatives We can do nothing and forfeit the grant money.	
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, Note Reasons The ODOT funding funding schedule must be followed. In order to begin construction, all property interests must be obtained. The public notice and filing requirements, along with the ODOT project schedule, require this legislation to be passed as soon as possible in order to allow for filing and funding schedule compliance.	
Division Manager Joel Montgomery	Date December 31, 2012

Res #7

RESOLUTION NO. 2013-08

A RESOLUTION AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO ENTER INTO A CONTRACT FOR THE
DEMOLITION OF THE PROPERTY LOCATED AT 3333 BURBANK
ROAD, AND DECLARING AN EMERGENCY

WHEREAS, the director of administration, in consultation with the city engineer, has recommended that the property located at 3333 Burbank Road be demolished, and the cost of such demolition project is included in the capital plan for 2013; and

WHEREAS, this City Council deems that prompt action is necessary to complete the demolition for reasons of public safety and the elimination of an unnecessary liability.

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 for the demolition of the property located at 3333 Burbank Road, in accordance with specifications now on file in his office. This is a purchase, the amount of which exceeds \$15,000.00, but is less than or equal to \$25,000.00, and is thus exempt from the competitive bidding requirement.

SECTION 2. The cost of such contract will not exceed the amount appropriated for this purpose in the Capital Improvements Fund.

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, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary to complete the project for reasons of public safety and the elimination of an unnecessary liability; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Passed: _____, 2013 Vote: _____

Attest: _____
 Clerk of Council President of Council

Approved: _____, 2013 _____
 Mayor

Introduced by: Jeffrey A. Steiner

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

Division **FIRE** Project Name **Demo Spires Property** Requested Meeting Date **January 7th, 2012**

- ☐ Approved for Agenda
☒ Full Amount is Budgeted

If not, how is purchase to be funded?

Description of Purchase

The Wooster Fire Division is requesting to enter into an agreement with a local excavating company to demolish the residence/barn and out building at the city property located at 3333 Burbank Rd.

The building will be razed and removed from the property as well as the site of the residence will be back filled.

The funding for this project has been approved in the Capital Funds Line Items for the Fire Division and will not exceed the amount budgeted.

See attached map for location of the demolition.

Justifications / Benefits

This is the property that was purchased to replace station #2 as prescribed in the station study completed in 2009. The property is a liability to the city in its current state of being unoccupied.

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

None

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

The building(s) could be left alone for the time being. But if so, the city's liability for the unoccupied structures increases.

☒ Sole Source Bid or Non-Bid Situation?

If Yes, explain the circumstances

The current quotes received are under the \$25,000 threshold as stated in the city ordinances and would be considered a Non-bid project.

☐ Requesting suspension of the rules?

If Yes, explain reasons.

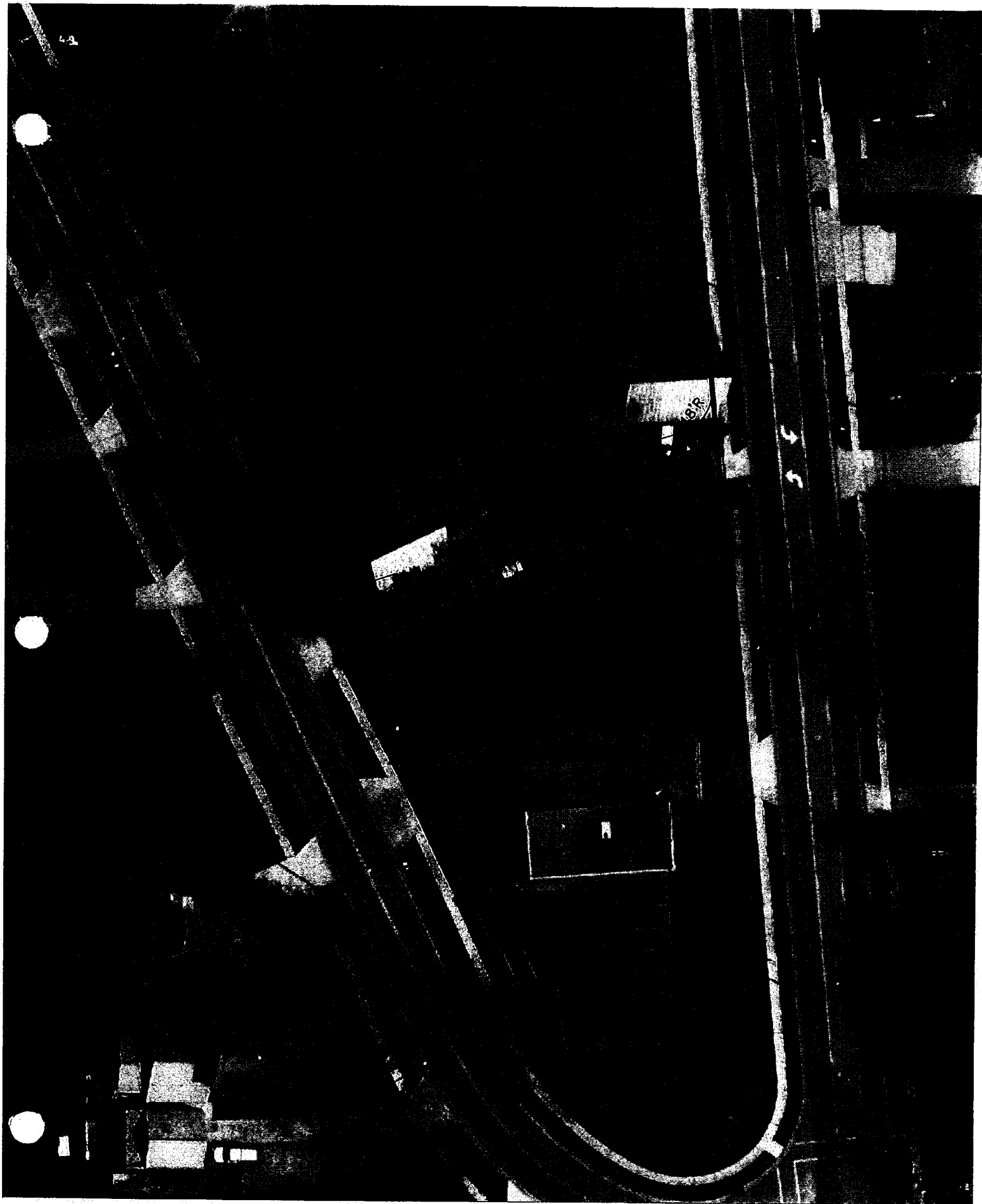
Division Manager

Robert Eyler, Chief

Date

December 31st, 2012

Res #8



Scale: 1"=50'

RESOLUTION NO. 2013-09

A RESOLUTION AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO ENTER INTO A TECHNICAL
SERVICES CONTRACT WITH MBI SOLUTIONS OF
DAYTON, OHIO FOR BILLING SERVICES RELATED TO
THE CITY EMS SERVICE

WHEREAS, the director of administration has recommended that the city renew its contract with MBI Solutions of Dayton, Ohio for billing services related to the EMS service; and

WHEREAS, this City Council deems that prompt action is necessary to continue this service during 2013, and the cost thereof is included in the Fire Division 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 MBI Solutions of Dayton, Ohio for billing services related to the city's EMS service.

SECTION 2. The cost of such contract will not exceed the amount appropriated for this project 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: Jon E. Ansel

**Request for Agenda Item
Non-Capital**

Division FIRE

Meeting Date Requested January 7, 2013

Project Name Service Contract MBI Solutions

☐ **Approved for Agenda**

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

I would recommend the city renew the service contract with MBI Solutions of Dayton, Ohio for billing services related to EMS billing. The Fire Division has used this company since 2004. The contract itself expires in March of 2013.

The cost of the contract will not exceed the amount appropriated by the 2013 general fund as budgeted and appropriated in the Fire Division line item of \$79,000. The city pays MBI Solutions 6% administrative fees of the funds collected. At this time, revenue collected in 2012 was \$727,155.

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

Manager Requesting Robert Eyler, Chief

Date January 2, 2013

Approved for Agenda

Res #9

RESOLUTION NO. 2013-10

A RESOLUTION AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO ENTER INTO A CONTRACT FOR
TECHNICAL LABORATORY SERVICES

WHEREAS, the City of Wooster, in the operation of its Water Pollution Control and Water Production Plants, is required to perform certain testing, and neither plant currently possesses the necessary equipment or expertise, thus necessitating use of a testing service; and

WHEREAS, Alloway, Inc. of Lima, Ohio possesses the technical skill to and has, in the past, provided laboratory testing services for both plants; and

WHEREAS, the cost of such testing services is included in the 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 Alloway, Inc. for laboratory testing for the Water Pollution Control Division and the Water Production Division for the current year.

SECTION 2. That the Director of Finance is hereby authorized to pay to Alloway, Inc. such sums as are approved by the Director of Administration upon submission of bills for services rendered. Such contract will not exceed the amounts appropriated for this project 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 TECHNICAL SERVICES CONTRACT**

Division: **WPCP/WTP**

Meeting Date Requested: **January 7, 2013**

Project Name: **Alloway; Lab Services**

Approved for Agenda:

=====

1. Estimated Total Cost: **Greater than \$15,000.00; but not to exceed budgeted amount.**
 2. Is the full amount budgeted? **YES** or NO. If no, how is the purchase to be funded? **Funds are available in the Water Pollution Control Fund and the Water Fund.**
 3. Description of Purchase: **Both Plants are required by Ohio EPA to perform and report various analyses as conducted by an Ohio EPA approved lab. The vendor, Alloway of Lima, OH is an Ohio EPA approved lab.**
 4. Justification\Benefit: **This is a regulatory requirement for both WPCP and WTP.**
 5. Will this project affect the City's operating costs? **No.**
 6. What alternatives exist and what are the implications of the alternatives? **None known at this time. This is a regulatory requirement. In addition, we have investigated other laboratories and none offer the range of testing, 2x per week pickup from the plants and the quality standard that Alloway does. If one is discovered, their pricing and service delivery will be compared and if deemed a better value we will bring forth the alternative at a later date.**
 7. Is this a sole source request? **YES** or NO. If yes, explain the circumstances: **This request is for specialized technology.**
- Sole source will only be considered when: the purchase consists of supplies or parts for current equipment and only one source exists; or only a single sole source exists for the purchase; or the contract is for professional services or specialized technology and the Director of Administration has reviewed proposals from qualified vendors.
8. Are you requesting suspension of the rules and passage on one reading? If yes, note reasons. **Yes. It is anticipated that expenditures for this vendor will exceed the \$15,000.00 limit and therefore requires Council approval.**



Kevin P. Givins
Division Manager

Date: **January 2, 2013**

Res #10

RESOLUTION NO. 2013-11

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A SOLE SOURCE CONTRACT WITH OHIO DRILLING COMPANY OF MASSILLON, OHIO, FOR SERVICES RELATED TO THE MAINTENANCE AND REPAIR OF CITY WATER WELLS

WHEREAS, Section 160.03 of the Codified Ordinances of the City of Wooster provides that upon approval of a resolution by City Council the Director of Administration may enter into a contract without competitive bidding when the purchase consists of supplies or a replacement or supplemental parts for a product or equipment owned by the City, and the only source for such supplies or parts is limited to a single source; and

WHEREAS, all of the city water wells have been drilled by Ohio Drilling Company and equipped with Deming Pumps, for which Ohio Drilling Company is the sole source in Ohio; furthermore, Ohio Drilling Company, because of its proximity to Wooster, provides prompt service when needed; and the cost hereof is included in the budget of the Water Treatment plant 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 sole source contract with the Ohio Drilling Company of Massillon, Ohio for services related to the maintenance and repair of city water wells.

SECTION 2. That the cost of the contract shall not exceed the sum appropriated 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: **Water Treatment Plant**

Meeting Date Requested: **January 7, 2013**

Project Name: **Ohio Drilling: Well Repairs**

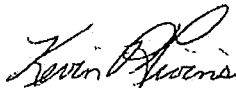
Approved for Agenda:

=====

1. Estimated Total Cost: **Greater than \$15,000.00; but under no circumstances to exceed budgeted amount.**
2. Is the full amount budgeted? **YES** or NO. If no, how is the purchase to be funded? **Funds are available in the Water Fund.**
3. Description of Purchase: **Well repair services from the Ohio Drilling Company of Massillon, OH**
4. Justification\Benefits: **Ohio Drilling Company is the driller of the majority of the City's production and interceptor wells. They are also the sole provider for Deming Pumps, which are the primary pump in service in the City. Additionally, Ohio Drilling is the largest municipal well drilling company in the upper Ohio region.**
5. Will this project affect the city's operating costs? **No.**
6. What alternatives exist and what are the implications of the alternatives. **The City could contract with other drilling companies in southern Ohio. However, this action would greatly compromise emergency response times. And because Ohio Drilling is the sole provider of Deming Pumps, these other companies would be required to purchase pumps, or pump repair parts from Ohio Drilling. This would in effect increase the cost of repairs.**
7. Is this a sole source request? **YES** NO If yes, explain the circumstances: **This is considered *Specialized Technology* and a *Sole Source of Supply*. The Ohio Drilling company is the sole provider of Deming Pumps, which represent the majority of pumps in service. Also, this company is the closest, geographically, to the City, which greatly enhances their response times during emergencies. Finally, as the driller of the majority of City Wells (production and interceptors) it would seem prudent to contract with them for their repairs because they maintain the original well drilling logs, and all pertinent information for these wells.**

Sole source/non bid will only be considered when the only source of supply for such supplies, part or parts is limited to a single source; or the purchase is for a professional or technical service; or the purchase of an item of specialized technology; or GSA price and specification is certified; or the purchase is accomplished through the State-sponsored cooperative purchasing program; or the purchase can be accomplished at a price which is equal to or lower than that which is available from a State-sponsored cooperative purchasing program.

8. Are you requesting suspension of the rules and passage on one reading? If yes, note reasons. **No.**



Kevin P. Givins
Utilities Manager

Date: **January 2, 2013**

Res[#] 11

RESOLUTION NO. 2013-12

A RESOLUTION AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO ENTER INTO A TECHNICAL SERVICES
CONTRACT FOR THE PROVISION OF ELECTRIC SERVICE TO
CITY-OWNED FACILITIES

WHEREAS, as a result of the deregulation of electricity, the director of administration has recommended that the city issue a request for proposals to provide electric service to city-owned facilities, and the cost thereof is included in the budget for 2013; and

WHEREAS, this City Council hereby determines that prompt action is necessary to authorize the award of such contract.

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 a qualified electric service provider for providing electric service to city-owned facilities.

SECTION 2. The cost of such contract will not exceed the amounts appropriated for this purpose in the 2013 Appropriations Budget adopted by this Council in Ordinance No. 2012-32; provided that if a multi-year contract is awarded, the cost of such contract will not exceed the amounts appropriated for this purpose in the 2014 and 2015 Appropriations Budgets, as may be approved by this Council.

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, 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: Jon E. Ansel

**REQUEST FOR AGENDA ITEM
AUTHORIZATION FOR CONTRACT**

Division: **Administration**

Meeting Date Requested: **January 7, 2013**

Project Name: **Electric Utility Proposals**

Approved for Agenda:

=====

1. Estimated Total Cost: **Not to exceed budgeted amount. Estimated electrical service costs for all City facilities are between \$900,000 and \$1,000,000.**
2. Is the full amount budgeted? **YES** or NO. If no, how is the purchase to be funded? **Funds are available in each City O&M fund that pays for electric service, i.e. Water, Sewer, Fire, Traffic, Parks, General, etc.**
3. Description of Purchase: **Request to advertise and solicit proposals for electric service for all City facilities, and to enter into a contract with the firm who submits the lowest and best proposal.**
4. Justification\Benefits: **Due to deregulation in the electric market, electric utility companies no longer control all three components of electric service (generation, transmission and distribution). The state legislature and the public utility commission have created competition by separating the supply portion of the electric bill from the delivery portion. Retail energy companies now compete for electric supply services.**

By soliciting proposals for electric supply, we have the opportunity to benefit from the wholesale marketplace. The proposal process will also allow us to customize our rate structure and contract term to better suit our needs. Current market rates change on a daily basis, but there is a potential for savings anywhere from 5% to 15% based on our current rate, and term of contract. This would equate to savings in the range of \$50,000 to \$180,000 annually.

I have prepared the RFP and it has been reviewed by the PUCO and AEP. The proposals will be limited to only those firms who are certified by the PUCO.
5. Will this project affect the city's operating costs? **This should reduce the City's operating costs.**
6. What alternatives exist and what are the implications of the alternatives. **We could keep paying our current electric rate with AEP.**
7. Is this a sole source request? YES **NO** If yes, explain the circumstances:
8. Are you requesting suspension of the rules and passage on one reading? If yes, note reasons. **No. But electric service costs have been generally increasing slightly over the past few months, therefore, the sooner we receive proposals the better chance of obtaining the best possible prices.**

Joel Montgomery
Director of Administration

Date: January 2, 2013

Res #12