

## WOOSTER CITY COUNCIL AGENDA

June 1, 2015

7:30 p.m.

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

**I. ROLL CALL & ORDERING OF AGENDA**  
**II. APPROVAL OF MINUTES**  
**III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**  
**IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**  
**V. COMMITTEE REPORTS; PUBLIC HEARINGS**  
**VI. OLD BUSINESS**

1. Second Reading – ORDINANCE NO. 2015-16 AN ORDINANCE AMENDING THE TRAFFIC CONTROL FILE TO ENACT THE RECOMMENDATIONS OF THE TRAFFIC COMMISSION, AND DECLARING AN EMERGENCY (Ulbright)
2. Second Reading – ORDINANCE NO 2015-17 AN ORDINANCE AMENDING SECTION 905.03, TREE TRIMMING REQUIRED, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY ADDING A LIMITATION FOR WORK TO BE DONE IN THE PUBLIC RIGHT OF WAY (Knopic)
3. Second Reading – ORDINANCE NO. 2015-18 AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL ESTATE, AND DECLARING AN EMERGENCY (Silvestri)
4. Second Reading – ORDINANCE NO. 2015-19 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$7,000,000 FOR THE PURPOSE OF PAYING COSTS OF CONSTRUCTING, FURNISHING, AND EQUIPPING A CITY SAFETY CENTER TO HOUSE THE POLICE DEPARTMENT AND THE FIRE DEPARTMENT, AND OTHERWISE IMPROVING THE SITE THEREFOR, TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (Cavin)
5. Second Reading – RESOLUTION NO. 2015-43 A RESOLUTION AMENDING RESOLUTION NO. 2014-14 BY ENLARGING THE SCOPE OF THE PROJECT; AND DECLARING AN EMERGENCY (Ulbright)

**VII. NEW BUSINESS**

1. First Reading – ORDINANCE NO. 2015-20 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MORRISON ENTERPRISES, LTD. FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY (Ansel)
2. First Reading – RESOLUTION NO. 2015-44 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 (Cavin)
3. First Reading – RESOLUTION NO. 2015-45 A RESOLUTION PROVIDING FOR THE ANNUAL TAX BUDGET FOR 2016 (Ansel)
4. First Reading – RESOLUTION NO. 2015-46 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO

LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR RESURFACING A PORTION OF BOWMAN STREET AND LONG ROAD (Ulbright)

5. First Reading –

RESOLUTION NO. 2015-47 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 CERTAIN WATER LINES WITHIN THE CITY (Sanders)

**VIII. MISCELLANEOUS**

**IX. ADJOURNMENT**

ORDINANCE NO. 2015-16

AN ORDINANCE AMENDING THE TRAFFIC CONTROL FILE TO ENACT THE RECOMMENDATIONS OF THE TRAFFIC COMMISSION, AND DECLARING AN EMERGENCY

WHEREAS, the Traffic Commission meets from time-to-time and reviews proposals from City staff or the general public as to ways and means for improving traffic and parking conditions and the administration and enforcement of traffic and parking regulations within the City, with the result that it now makes the following recommendations.

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

SECTION 1. That the Traffic Control Map and the Traffic Control File of this City be and hereby are amended in accordance with the recommendations of the Traffic Commission, as follows:

Friendsville Road: Signage and pavement markings for the Friendsville Road reconstruction project as required by the Ohio Manual of Uniform Traffic Control Devices.

Spruce Street. and Grosjean Road: For purposes of closing streets that are prone to flooding, install lockable gates at the intersection of Spruce Street and Grosjean Road, and just east of the railroad trestle on Grosjean Road; with appropriate signage for the gates.

Grosjean Road and Timken Road: In connection with the foregoing recommendation, install a "Road Closed Ahead" flip-sign at the intersection of Timken Road and Grosjean Road.

SECTION 2. That the Engineering Division is hereby directed to make the above changes in the Traffic Control Map and the Traffic Control File, and to obtain and erect the appropriate signs to reflect the above designations.

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 force from and after the earliest period allowed by law.

1<sup>st</sup> reading 5-18-15 2<sup>nd</sup> reading \_\_\_\_\_ 3<sup>rd</sup> reading \_\_\_\_\_

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

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

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

Introduced by: Jon E. Ulbright

ORDINANCE NO 2015-17

AN ORDINANCE AMENDING SECTION 905.03, TREE TRIMMING REQUIRED, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY ADDING A LIMITATION FOR WORK TO BE DONE IN THE PUBLIC RIGHT OF WAY

WHEREAS, the Shade Tree Commission, in consultation with the city engineer, has recommended certain changes to the ordinance governing tree trimming in proximity to the public right of way.

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

SECTION 1. That Section 905.03, Tree Trimming Required, of the Codified Ordinances of the City of Wooster, Ohio is hereby amended to read as follows:

**905.03 TREE TRIMMING REQUIRED.**

(a) The owner or agent of the owner of any lot or parcel of land fronting or abutting on any street or public ground in the City shall trim or cause to be trimmed all trees growing on or in the front or side of such premises, where branches of trees overhang any portion of the street or public ground, or overhang any portion of the sidewalk, so as not to obstruct the passage of light from any street lamp near such trees, and shall trim all branches overhanging any sidewalk or roadway so as to have a clear height of fifteen (15) feet above the surface of the sidewalk or roadway unobstructed by branches, and shall remove from such trees all dead, decaying and broken limbs or branches that overhang the sidewalk or street, or that are liable to fall thereon. When any of the trees are dead, the owner or agent of the owner shall take up or cause to be taken up such dead trees and remove the same from such lot or parcel of land.

*(b) No person, firm, corporation, public utility or other entity shall, without first obtaining a permit from the City Division of Engineering, cut, remove, destroy, trim or in any other way interfere with any trees, bushes or other natural plantings within the City right-of-way or upon public property.*

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

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

1<sup>st</sup> reading 5-12-15 2<sup>nd</sup> reading \_\_\_\_\_ 3<sup>rd</sup> reading \_\_\_\_\_

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

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

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

Introduced by: Barbara A. Knapic

ORDINANCE NO. 2015-18

AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL ESTATE, AND DECLARING AN EMERGENCY

WHEREAS, this City Council, acting upon the recommendation of the Mayor and Director of Administration, has determined that it is in the best interests of the municipal government to purchase real estate located on Lincoln Way West, for the public purpose of providing office and garage space for the City's Utility Division; the property is owned by the State of Ohio and formerly housed the local ODOT offices; and

WHEREAS, prompt action is necessary in order to respond to a purchase proposal.

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

SECTION 1. That the Mayor is hereby authorized to purchase, in the name of the City of Wooster, the following parcel of real estate, and that he is authorized to execute any necessary documents in connection therewith:

A parcel consisting of approximately 4.754 acres, located at 1514 Lincoln Way West, and owned by the State of Ohio (PPN 57-00150.000).

SECTION 2. The amount of such purchase will not exceed \$100.00, plus costs related or incidental to closing.

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

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City; or providing for the usual daily operation of a municipal department or division and for the further reason that prompt action is necessary to authorize the purchase in order to provide additional space for the City's Utility Division; 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 5-12-15 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

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

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

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

Introduced by: David Silvestri

## Request for Agenda Item

**Division** Utilities – D&C Division

**Meeting Date Requested** May 18, 2015

**Project Name** Acquisition of Former ODOT Garage Property

**Approved for Agenda**

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

A request is hereby made to authorize the purchase of the former ODOT garage on West Old Lincoln Way. This property is immediately adjacent to the City owned bio-tower site. ODOT has agreed to “give” the property to the City for \$100, for use as our Utility Division operations site, including equipment and material storage.

Title work indicates that the property has been owned and operated by the State of Ohio since at least 1957, originally as the State Highway Patrol, then the Ohio Department of Highways since 1962.

Extensive environmental recorded have been reviewed and determined that no significant environmental issues are present.

Please see the attached document for an analysis of the existing and proposed facilities usage for the City’s Distribution and Collection Division.

Please note that ODOT is willing to leased the upper office space for anywhere between \$200 and \$1000 per month, depending on the usage for future projects.

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

No.

**Manager Requesting** Joel Montgomery

**Date** May 13, 2015

**Approved for Agenda**

## Facility Analysis for D&C – Former ODOT Garage on West Old Lincoln Way:

Square footage total **currently using** for office/material storage/vehicles: **10,000sq ft.**

-1171 Mechanicsburg rd: 7000sq ft of office/material storage/vehicles & equipment

-1151 Mechanicsburg rd: 700sq ft material storage

-1020 Old Columbus(water treatment plant): 250sq ft office/lockers & 1500sq ft vehicles/material storage

-1123 Old Columbus (sewer plant): 550sq ft material storage

Square footage total **at state garage** for office/storage/vehicles: **22,000sq ft.**

Our current building at 1171 Mechanicsburg (as far as I know, from the research I've done) is sitting on 30 to 60 feet of landfill/construction debris from the old city dump. Being a pole barn type of construction building we are experiencing quite a few settlement issues. They include but are not limited to, concrete floors settling, drywall cracking (some places as much as 1" separation) and sinkholes in the drive/parking/yard areas. In 2009 we spent \$10656.80 replacing part of the floor in the shop because of settlement, and I think it is likely to happen again.

A few of the benefits of the new building would be:

Having all of the employees I supervise work out of the same place.

Better inventory control (all materials in one place and under roof)

More secure, we would have a chain link fence surrounding the buildings.

Additional salt storage for the PPM Division.

Below are a few advantages that PPM could benefit utilizing the current D & C Building (6528 S.F.)

- PPM currently stores many pieces of equipment outside that get weathered over time. Being stored inside would better preserve the equipment and in turn require less maintenance. Some the equipment currently not under roof includes: asphalt paver, road grader, tractor with flail mower and other smaller pieces of equipment.
- With the additional amount of storage PPM would be able to store all of our equipment under roof. The additional space would enable PPM to have both heated and/or cold storage because of how the building is divided. Non-seasonal equipment would be stored in the building so that employees will not have to travel back and forth from the PPM Building throughout the day to utilize different pieces of equipment.

PPM would not run any of the daily operations from the current D & C Building. It would only be used for storage.

ORDINANCE NO. 2015-19

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$7,000,000 FOR THE PURPOSE OF PAYING COSTS OF CONSTRUCTING, FURNISHING, AND EQUIPPING A CITY SAFETY CENTER TO HOUSE THE POLICE DEPARTMENT AND THE FIRE DEPARTMENT, AND OTHERWISE IMPROVING THE SITE THEREFOR, TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 2 is at least five years and the estimated maximum maturity of the Bonds described in Section 2 is 25 years;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Wooster, County of Wayne, Ohio, that:

Section 1: Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

“Authorized Denominations” means (subject to any limitations in Section 3) the denomination of \$5,000 or any integral multiple thereof.

“Bond proceedings” means, collectively, this Ordinance, the Certificate of Award, the Continuing Disclosure Agreement and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

“Bond Register” means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

“Bond Registrar” means the bank or trust company appointed pursuant to Section 4 as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Bond Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Bond Registrar Agreement and, thereafter, “Bond Registrar” shall mean the successor Bond Registrar.

“Bond Registrar Agreement” means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and signed by the Fiscal Officer in accordance with Section 4.

“Bonds” means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in the Certificate of Award.

“Book entry form” or “book entry system” means a form or system under which (a) the ownership of book entry interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry and (b) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds “immobilized” in the custody of the Depository or its agent. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in those Bonds and that principal and interest.

“Certificate of Award” means the certificate authorized by Section 6(a), to be signed by the Fiscal Officer, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“Closing Date” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“Code” means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“Continuing Disclosure Agreement” means the agreement authorized by Section 6(c), to be substantially in the form on file with the Clerk of Council, made by the City for the benefit of holders and beneficial owners of the Bonds in accordance with the Rule.

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

“Fiscal Officer” means the Director of Finance of the City.

“Interest Payment Dates” means, unless otherwise determined by the Fiscal Officer in the Certificate of Award, June 1 and December 1 of each year that the Bonds are outstanding, commencing December 1, 2015.

“Original Purchaser” means the original purchaser of the Bonds designated by the Fiscal Officer in the Certificate of Award.

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

“Principal Payment Dates” means, unless otherwise determined by the Fiscal Officer in the Certificate of Award, December 1 in each of the years from and including 2016 to and including 2036, provided that in no case shall the total number of Principal Payment Dates exceed the maximum maturity of the Bonds referred to in the preambles hereto.

“Rule” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

“SEC” means the Securities and Exchange Commission.

“Serial Bonds” means those Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

“Term Bonds” means those Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

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

Section 2: Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the City to issue bonds of the City in one lot in the maximum principal amount of \$7,000,000 (the Bonds) for the purpose of paying costs of constructing, furnishing, and equipping a City safety center to house the police department and the fire department, and otherwise improving the site therefor, together with the necessary appurtenances thereto, including the payment of expenses related to the issuance of the Bonds.

The aggregate principal amount of Bonds to be issued shall not exceed \$7,000,000 and shall be issued in an amount determined by the Fiscal Officer in the Certificate of Award to be the aggregate principal amount of Bonds required to be issued, taking into account any premium above or discount from the aggregate principal amount of the Bonds at which they are sold to the Original Purchaser, in order to effect the purpose for which the Bonds are to be issued, including the payment of any expenses properly allocable to the issuance of the Bonds.

The proceeds from the sale of the Bonds (except any premium and accrued interest) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for

the purpose for which the Bonds are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 3: Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in the Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, provided that their dated date shall not be more than 60 days prior to the Closing Date.

(a) Interest Rates and Interest Payment Dates. The Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of 12 30-day months) as shall be determined by the Fiscal Officer in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements (as hereinafter defined and described) on the Principal Payment Dates in principal amounts as shall be determined by the Fiscal Officer, subject to subsection (c) of this Section, in the Certificate of Award, consistent with the Fiscal Officer's determination of the best interest of and financial advantages to the City.

Consistent with the foregoing and in accordance with the Fiscal Officer's determination of the best interest of and financial advantages to the City, the Fiscal Officer shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date, and (ii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (Mandatory Redemption Dates) and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, shall be such that (i) the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other such fiscal year and (ii) the true interest cost of the Bonds does not exceed 6%.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon

presentation and surrender of the Bonds at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the principal corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15<sup>th</sup> day preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Fiscal Officer, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those dates, for which provision is made in the Certificate of Award (such dates and amounts being the Mandatory Sinking Fund Redemption Requirements).

The aggregate of the money to be deposited with the Bond Registrar for payment of principal of and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that date the principal amount of Term Bonds payable on that date pursuant to Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Fiscal Officer, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered. That option shall be exercised by the City on or before the 45<sup>th</sup> day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Fiscal Officer, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Fiscal Officer, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption

Requirement, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Fiscal Officer, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds of the maturities, if any, specified in the Certificate of Award shall be subject to redemption by and at the sole option of the City, in whole or in part in integral multiples of \$5,000, on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Fiscal Officer in the Certificate of Award; provided that (a) the earliest optional redemption date shall not be more than 10½ years after the Closing Date and (b) the redemption price for the earliest optional redemption date shall not be greater than 102%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Fiscal Officer to the Bond Registrar, given upon the direction of this Council through a resolution or an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities selected by the City. If fewer than all of the Bonds of a single maturity are to be redeemed, the selection of Bonds of that maturity to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (a) for payment of the redemption price of the \$5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (b) for

issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (a) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (b) the redemption price to be paid, (c) the date fixed for redemption, and (d) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to Section 7, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds, provided that any interest earned on the money so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

Section 4: Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the Mayor and the Fiscal Officer, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the

Original Purchaser and approved by the Fiscal Officer, shall be numbered as determined by the Fiscal Officer in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to the provisions of Chapter 133 of the Revised Code and this Ordinance.

The Huntington National Bank is appointed to act as the initial Bond Registrar; provided, however, that the Fiscal Officer is authorized to appoint a different Bond Registrar in the Certificate of Award after determining that such bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose. The Fiscal Officer shall sign and deliver, in the name and on behalf of the City, the Bond Registrar Agreement between the City and the Bond Registrar, in substantially the form as is now on file with the Clerk of Council. The Bond Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Registrar Agreement or amendments thereto. The Fiscal Officer shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Bond Registrar Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Fiscal Officer on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 5: Registration; Transfer and Exchange; Book Entry System.

(a) Bond Registrar. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at the office satisfactory to the Fiscal Officer and the Bond Registrar. Subject to the provisions of Section 6, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar designated in

the Certificate of Award or, if not so designated, then at the principal corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the designated office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15<sup>th</sup> day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Fiscal Officer determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section.

The Bonds may be issued to a Depository for use in a book entry system and, if and so long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent which may be the Bond Registrar; (ii) the book entry interest owners of Bonds in book entry form shall not have any right to receive Bonds in the form of physical securities or certificates; (iii) ownership of book entry interests in Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Fiscal Officer may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Fiscal Officer does not or is unable to do so, the Fiscal Officer, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form to be authenticated by the Bond Registrar and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Fiscal Officer is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Fiscal Officer determines to be necessary in connection with a book entry system for the Bonds.

Section 6: Award and Sale of the Bonds.

(a) Original Purchaser Designated in Certificate of Award. The Bonds shall be sold to the Original Purchaser at a purchase price, not less than 97% of their aggregate principal amount, to be determined by the Fiscal Officer in the Certificate of Award, plus accrued interest on the Bonds from their date to the Closing Date, and shall be awarded by the Fiscal Officer with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law and the provisions of this Ordinance. The Fiscal Officer is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The Fiscal Officer shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The Mayor, the Fiscal Officer, the Director of Law, the Clerk of Council and other City officials, as appropriate, each are authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

(b) Primary Offering Disclosure – Official Statement. The Mayor and the Fiscal Officer, on behalf of the City and in their official capacities, are authorized to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, an official statement in connection with the original issuance of the Bonds, (ii) determine, and to certify or otherwise represent, when the official statement is to be “deemed final” (except for permitted omissions) by the City or is a final official statement for purposes of SEC Rule 15c2-12(b)(1), (3) and (4), (iii) use and distribute, or authorize the use and distribution of, that official statement and any supplements thereto in connection with the original issuance of the Bonds and (iv) complete and sign that official statement as so approved together with such certificates, statements or other

documents in connection with the finality, accuracy and completeness of that official statement as they deem necessary or appropriate.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The Fiscal Officer is authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement.

The Fiscal Officer is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Fiscal Officer shall consult with and obtain legal advice from, as appropriate, the Director of Law and/or bond or other qualified independent special counsel selected by the City. The Fiscal Officer, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Financial Advisor; Application for Rating or Bond Insurance; Financing Costs. If, in the judgment of the Fiscal Officer, the (i) engagement of the services of a financial advisor or (ii) filing of an application for (A) a rating on the Bonds by one or more nationally-recognized rating agencies, or (B) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the Fiscal Officer is authorized to engage a financial advisor and prepare and to submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the fees of a financial advisor or the cost of obtaining each such rating or policy from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or to be appropriated for that purpose. The Fiscal Officer is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the Fiscal Officer determines to be necessary in connection with the engagement of a financial advisor or of obtaining that bond insurance.

The expenditure of the amounts necessary to engage a financial advisor and/or secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Bonds, to the extent not paid by the Original Purchaser, is authorized and approved, and the Fiscal Officer is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise

from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 7: Provisions for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due. Nothing in this section in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Bonds.

Section 8: Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Section 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code), or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest thereon will not be an item of tax preference under Section 57 of the Code.

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

The Fiscal Officer, or any other officer of the City having responsibility for the issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Bonds as “qualified tax-exempt obligations”), choice, consent, approval or waiver on behalf of the City with respect to the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in

writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

Section 9: Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance and a signed copy of the Certificate of Award to the Wayne County Auditor.

Section 10: Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Bonds and the rendering of the necessary legal opinion upon the delivery of the Bonds. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Fiscal Officer is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 11: Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 7) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

Section 12: Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken in open meetings of this Council or committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 13: Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and

safety of this City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to enable the City to enter into contracts for the improvement in order to meet its obligations in the construction of the improvement and eliminate existing and potential hazards to the safety of the residents of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of at least three-fourths of the members of Council; otherwise, it shall be in full force and effect from and after the earliest period allowed by law.

1st reading 5-18-15      2nd reading \_\_\_\_\_      3rd reading \_\_\_\_\_

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

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

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

Introduced by: Mark Cavin

**Robert F. Breneman**  
Mayor



**Andrei A. Dordea, CPA**  
Director of Finance  
Phone (330) 263-5225  
Fax: (330) 263-5262  
Email: adordea@woosteroh.com

**CITY OF WOOSTER**  
538 N. Market Street, P.O. Box 1128  
Wooster, Ohio 44691-7082

May 14, 2015

Ms. Amy Hamilton  
Clerk of Council  
538 N. Market Street  
Wooster, Ohio 44691

Re: City of Wooster, Ohio \$7,000,000 Safety Center Improvement Bonds,  
Series 2015

Dear Amy:

Related to the above referenced issuance, attached please find a Fiscal Officer's Certificate that is required to be presented to Council prior to its first consideration of the Bond Ordinance.

Warmest regards,

Andrei A. Dordea, CPA  
Director of Finance

AAD/jm  
Attachment

## FISCAL OFFICER'S CERTIFICATE

TO THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

As fiscal officer of the City of Wooster, Ohio, I certify in connection with your proposed issue of bonds in the maximum principal amount of \$7,000,000 (the Bonds) for the purpose of paying costs of constructing, furnishing, and equipping a City safety center to house the police department and the fire department, and otherwise improving the site therefor, together with the necessary appurtenances thereto (the improvement), that:

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 25 years, being my estimate of the life or period of usefulness of the improvements. If and to the extent a portion of the proceeds of the Bonds may be determined to be allocated to a class or classes having a maximum maturity of less than 25 years but in excess of five years, then the maximum maturity of the Bonds would still be at least 25 years by reason of a sufficient portion of the proceeds of the Bonds allocated to a class or classes having a maximum maturity or an estimated period of usefulness in excess of 25 years.

Dated: May 18, 2015

  
\_\_\_\_\_  
Director of Finance  
City of Wooster, Ohio

RESOLUTION NO. 2015-43

A RESOLUTION AMENDING RESOLUTION NO. 2014-14 BY ENLARGING THE SCOPE OF THE PROJECT; AND DECLARING AN EMERGENCY

WHEREAS, this City Council, in Resolution No. 2014-14, authorized the Director of Administration to enter into a cooperative agreement with the Ohio Department of Transportation for the resurfacing of certain streets in the City of Wooster; and

WHEREAS, since the adoption of that Resolution the city engineer has been able to enlarge the scope of the project to include other main arteries within the City as a part of the same ODOT-approved project, provided that the original authorization is amended to reflect the enlarged project scope.

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

SECTION 1. That Resolution No. 2014-14 is hereby amended to read in accordance with the attached Amended Resolution 2014-14; and that the former Resolution, as adopted on February 18, 2014, is hereby vacated.

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 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, and for the further reason that prompt action is necessary to amend the former Resolution in order to facilitate the support of the Ohio Department of Transportation; 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 5-12-15 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

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

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

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

Introduced by: Jon E. Ulbright

AMENDED

RESOLUTION NO. 2014-14

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF PORTIONS OF ~~MADISON AVENUE AND S. MARKET~~ VARIOUS STREETS WITHIN THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (PID 92617)

WHEREAS, Section 5501.03 (C) of the Ohio Revised Code provides that the Director of the Ohio Department of Transportation (ODOT) may coordinate the activities of the Department with other appropriate public authorities and enter into contracts with such authorities as necessary to carry out its duties, powers and functions; and

WHEREAS, the Madison Avenue and S. Market Street Resurfacing Project (*including Spruce and North Market Streets and Mechanicsburg Road*) (PID 92617) is a transportation activity eligible to receive federal/state funding; and

WHEREAS, the LPA (Local Public Agency), the City of Wooster, has received funding approval for the project listed above from the Program Manager having responsibility for the federal/state funds involved, and

WHEREAS, it is the mutual desire of both ODOT and the LPA to have the LPA serve as the responsible lead agency for the administration of the project.

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

SECTION 1. That the Mayor or his/her designee is hereby authorized to enter into an agreement with ODOT for the purpose of facilitating the above-described improvements.

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

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

Passed: \_\_\_\_\_, 2014

Vote: \_\_\_\_\_

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

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_, 2014

\_\_\_\_\_  
Mayor

Introduced by: Jon E. Ulbright

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

<b>Division</b> Engineering	<b>Meeting Date Requested</b> May 18, 2015
<b>Project Name</b> 2016 Resurfacing Various Streets - PID 92617	<b>Approved for Agenda</b>
<b>Estimated Total Cost</b> \$850,000.00 ODOT Grant = \$575,000, Wayne County Funds = \$35,000, Local Capital Funds = \$240,000	
<b>Is Full Amount Budgeted</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If No, How Is The Purchase To Be Funded?</b> Funding for this project will be included in the 2016 Appropriation Budget.	
<b>Description Of Purchase</b> This is a request to amend Resolution 2014-14 which authorized the Mayor to enter into a cooperative agreement with the Ohio Department of Transportation (ODOT) for resurfacing of Madison Avenue between Bever & S. Market and S. Market Street between Madison & Liberty. Additional streets added to the agreement are Spruce Street, North Market Street and Mechanicsburg Road. ODOT will be funding a large percentage of the construction costs. All of the construction engineering, contract management and inspection will be performed in-house by the engineering division staff.	
<b>Justification/Benefits</b> The Ohio Department of Transportation has changed their accounting methods, the amended agreement allows the City to utilize all the allocated funds.	
<b>Will This Project Effect the City's Operating Costs</b> This project should have little or no effect on the City's operating costs.	
<b>What Alternatives Exist and What Are The Implications of The Alternatives</b> We could do nothing, and turn down the grant funds. We could proceed with the project using other interest accruing financing methods.	
<b>Is This A Sole Source Bid or Non-Bid Situation</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If Yes, Explain The Circumstances</b> This is a request to simply accept the funds already awarded for this project, and is a requirement of the funding process.	
<b>Are You Requesting Suspension Of The Rules</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If Yes, Note Reasons</b> ODOT plan approval process can not begin until the LPA agreement is signed.	
<b>Division Manager</b> Roger Kobilarcsik	<b>Date</b> May 12, 2015

*Res #43*

ORDINANCE NO. 2015-20

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MORRISON ENTERPRISES, LTD. FOR COMMUNITY REINVESTMENT AREA TAX INCENTIVES, AND DECLARING AN EMERGENCY

WHEREAS, Morrison Enterprises, Ltd. is a for-profit enterprise which desires to renovate a former industrial/commercial facility located at 437 and 511 E. South Street in the city of Wooster, within the area designated by Wooster City Council as the community reinvestment area (CRA), including a capital investment of approximately \$500,000.00 for improvements to the existing facilities, including roofing, structural and façade improvement, and significant improvements to the infrastructure (plumbing, electrical, HVAC); 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, acting through its Executive Committee, has reviewed the request for CRA tax incentives and has recommended its adoption; and the Wooster City School District board of education has also received notice of and voted in approval of the pending application.

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 Morrison Enterprises, Ltd., for CRA tax incentives. The terms of such agreement will include, but not be limited to, the following: (1) abatement of real estate taxes of 100%; (2) for a maximum term not to exceed ten (10) years; (3) the creation of two full-time; 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 renovation project by the applicant; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

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

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

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

Introduced by: Jon Ansel

## Request for Agenda Item Non-Capital

Division  Meeting Date Requested

Project Name   Approved for Agenda

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

Council's consideration is requested in authorizing the Mayor to enter into a Community Reinvestment Area Agreement (CRA) on the City's behalf with Morrison Enterprises Ltd., a real estate investment company that has plans to undertake a major rehabilitation of the old Minglewood Coal and Ice Building, two contiguous properties located at 437 and 511 E. South Street, immediately west of the Norfolk-Southern rail corridor in the M-23 Urban Manufacturing District. 437 E. South Street is an occupied warehouse, while the towering and abandoned 511 E. South Street facility is currently under demolition orders due to its deterioration. Morrison Enterprises Ltd purchased the properties in January of 2015, and instead of moving forward with a demolition, proposes to invest \$500,000 into the buildings in order to save them and create a minimum of two jobs with a \$40,000 annual payroll. (Future use to be determined, but any use will comply with zoning.) To assist with the renovation costs, Morrison Enterprises Ltd. is seeking a 10-year, 100-percent Community Reinvestment Area (CRA) tax abatement.

437 E. South Street (64-00014.000) is comprised of a single-story 3,232-ft<sup>2</sup> brick storage warehouse, constructed in 1920. Construction on 511 E. South Street (64-01130.000) was completed a year later, in 1921, adding 9,848-ft<sup>2</sup> of industrial warehouse space with docking space and even an area for living quarters. The buildings first served as the operations center for the Minglewood Coal and Ice Company, which sold ice to Wooster residents for their kitchen cold closets (ice boxes) through the 1920's and 1930's, before the widespread production of refrigerators. Over time, the industry declined and the buildings were utilized for beverage distribution, and then little more than storage. While 437 E. South Street is still in use as a warehouse today, the towering 511 E. South Street facility was eventually left unusable, with a collapsed roofing system and disintegrating façade necessitating the need for demolition orders by the City. With the previous owners unable to afford the demolition costs, however, the structure was left to deteriorate further.

A key consideration of the abatement is the level of proposed \$500,000 in investment to a property valued at \$12,000, and the challenging location at the periphery of a redeveloping Downtown, a residential area, and an active railroad track.

This application was made with the support of Main Street Wooster and Wooster Area Chamber of Commerce. The Applicant has been in conversation with City Staff regarding the project since March 3, 2015. A formal application was completed 17 April 2015. Notification of this project, with the attached summary packet, was provided to the Wooster City School District and the Wayne County Schools Career Center on April 20<sup>th</sup>, 2015. After a review at its regularly scheduled work session the week prior, the Wooster City School District Board of Education voted in unanimous approval of the CRA request on May 26<sup>th</sup>, 2015. The Wooster Growth Corporation met and voted to recommend the application for adoption by Wooster City Council on May 28<sup>th</sup>, 2015. Please see within the attached summary packet which offers further details of the project.

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

A suspension of rules is *recommended* in order to facilitate a time-sensitive project and in order to allow the applicant additional time to take advantage of the 2015 summer construction season. With an agreement, Morrison Enterprises Ltd. is ready to begin work to secure the structure.

Manager Requesting

Date

Approved for Agenda

***City of Wooster – Community Reinvestment Area  
169-86548-01***

**APPLICATION SUMMARY PACKET**

*12 May 2015*

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Prepared by:

***City of Wooster***

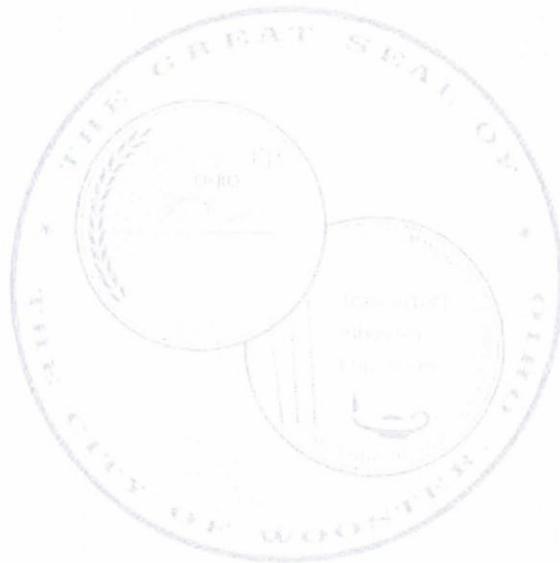
*Department of Community Service  
and Development  
538 N. Market Street  
Wooster, Ohio 44691*

*Contact: Jonathan Millea, AICP  
Phone: 330.263.5250*

At the Request of:

***Morrison Enterprises LLC***

*1435 S. Hometown Road  
Wooster, Ohio 44691*



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***Minglewood Coal & Ice Building Revitalization  
437 & 511 E. South St, Wooster, Ohio***

## Project Summary

This project seeks to breathe new life into two deteriorated industrial buildings in Wooster's M-3 Urban Manufacturing District. The location is particularly unique, serving as a transition zone resting between the C-4 Downtown Commercial District, the Norfolk-Southern Railway, and a scattering of older residential homes and industrial properties.

437 E. South Street (64-00014.000) is comprised of a single-story 3,232-ft<sup>2</sup> brick storage warehouse, constructed in 1920. Construction on 511 E. South Street (64-01130.000) was completed a year later, in 1921, adding 9,848-ft<sup>2</sup> of industrial warehouse space with docking space and even an area for living quarters. The buildings first served as the operations center for the Minglewood Coal and Ice Company, which sold ice to Wooster residents for their kitchen cold closets (ice boxes) through the 1920's and 1930's, before the widespread production of refrigerators. Over time, the industry declined and the buildings were utilized for little more than storage. While 437 E. South Street is still in use as a warehouse today, the towering 511 E. South Street facility was eventually left unusable, with a collapsed roofing system and disintegrating façade necessitating the need for demolition orders by the City. With the most recent owners unable to afford the demolition costs, however, the structure was left to deteriorate further.

Morrison Enterprises LLC acquired the two properties January 28, 2015, for a total \$9,000, less than the projected demolition cost for 511 E. South Street building. The company's founder, Mark Morrison, and also the proprietor of Morrison Custom Welding, made the purchase in hopes of restoring the two buildings and retaining their historic highlights. The new owner has extensive experience in metal work and building restoration, and is uniquely qualified to assume what would otherwise be an impossible project. Morrison Enterprises LLC intends to inject \$500,000 in the repair and upgrade of the two buildings. While certain sections of the structures may not be salvageable, every effort will be made to retain the historic elements of each building. An artisan-oriented manufacturing or service industry, yet to be determined, will occupy the structures when work is completed on or about October of 2017, employing at least two persons. Normal zoning approval processes would be followed. The project creates the opportunity to replace a dangerous and dilapidated site with a quality historic renovation and use that compliments the surrounding neighborhood, offering a transition between the Downtown, Norfolk-Southern rail corridor, and residential areas.

To assist it with its massive renovation, Morrison Enterprises LLC is seeking a 10-year, 100 percent Community Reinvestment Area (CRA) tax abatement. The application is made with support the Wooster Area Chamber of Commerce and Main Street Wooster Inc. Additionally, an expedited decision on this application is being sought from all Wooster economic development partners in order to allow the firm to take advantage of warmer construction months in 2015.

**FIGURE 1**

Overview – 437 & 511 E. South St.



From South ▼

From North ▲

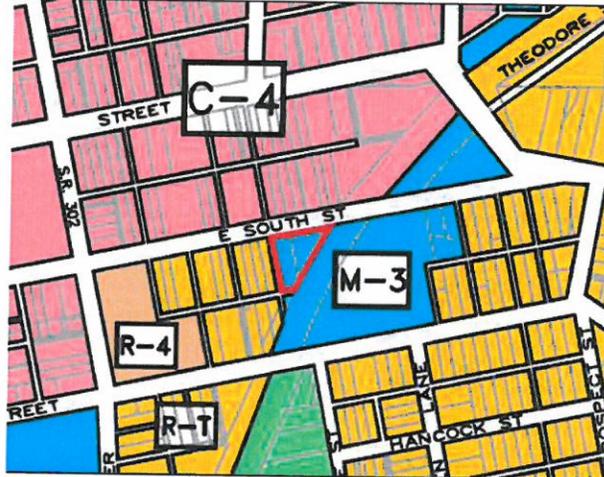


437 and 511 E. South Street, Wooster Ohio 44691  
Wayne County Auditor Pictometry Data.

### Project Location:

437 E. South Street (Parcel 64-00014.000) and 511 E. South Street (64-01130.000) are two adjoining properties positioned at the southwest corner of E. South Street and the Norfolk-Southern Rail Line in Wooster's M-2 Urban Manufacturing area. (Please see **Figure 2**, below, and also attached location map.) The C-4 Downtown Commercial District ends immediately to the north of the site, with R-T Residential Transitional zoning to the west. The M-3 Urban Manufacturing Zone continues south and east, providing a land use buffer along the rail line that is more tolerant of noise, but must still offer sensitivity to immediately adjacent residential uses. Main vehicle access to the site is from E. South Street, connecting to Bever to the west and Prospect to Pittsburgh to the east. 437 E. South Street measures 0.2369 acres, while 511 E. South Street is 0.2369, with a combined site acreage of 0.4414. The facility is visible from E. Liberty and Beall, with the ice storage towering over nearby buildings. On-going downtown planning efforts have placed a special focus on the few blocks immediately surrounding the Liberty-Beall intersection, which this project would serve to compliment. The project would also build off momentum from the recently-announced renovation of 335 E. Liberty Street, located northwest of the current buildings across a parking area.

**FIGURE 2**  
437 & 511 Location and Zoning



Project site outlined in red. Note M-3 Urban Manufacturing District to South and East, R-T Residential to the West, and C-4 Downtown Commercial to the North.

### Project Description:

This revitalization project is unique in its size, complexity, and historic attributes. The project will involve updating plumbing and HVAC systems for both buildings, along with roofing improvements and insulation work. Electrical system upgrades, landscaping, window replacements, and significant exterior upgrades to enhance the curb-appeal of the buildings will also take place. Additionally, 437 E. South Street will also be fitted with an ADA access ramp and restrooms.

Significant structural support repair and roofing work will be conducted at 511 E. South Street. Major portions of the 511 E. South Street structure have suffered from neglect for a long period of time, and not all areas of the building may be salvageable. While the developer will work to secure the existing tower, which has been placed under demolition orders by the City of Wooster due to deterioration, additional analysis is required to determine feasibility. Any unsalvageable areas will be demolished and repurposed.

Additional work is needed before a specific use can be committed, though possible concepts may include wrought-iron crafting, craft industrial works, food or beverage manufacturing facility, restaurant, or other artisan craftwork or service industry. As the CRA program is designed to facilitate development that may not otherwise be possible, not all proposals are able to provide a clearly-defined outcome upon application, as is the case with this project. Any future use will comply with standard zoning approval processes.

Immediate impacts of this project include the remediation of a safety hazard and, contingent upon structural analysis, saving a structure with current demolition orders. The owner has already invested in conducting the work for the real estate acquisition and preliminary design. If approved

for a CRA abatement in May or June of 2015, plans could be finalized and the project would tentatively finish by December of 2016, though additional time may be needed. An expedited decision from all parties is requested to allow the developer to take advantage of warmer construction months. (Please see attached scope proposal as well as **Figure 3**, below).

**FIGURE 2**

Drawing Excerpt (Reproduced with the permission of Mark Morrison. Shown for Concept Only)



437 and 511 E. South Street rendering. NOT TO SCALE, PLEASE REFERENCE ACTUAL DRAWINGS. NOTICE: Drawing reproduction authorized by Mark Morrison.

**Anticipated Project Costs and impacts:**

**Total Project Costs are estimated at \$500,000 (+/- 10 percent), with the creation of at least two (2) full-time positions with a retained payroll of \$40,000 per year.** Though not in a position to commit to higher job and payroll figures at this time, due to the state of disrepair and reinvestment required at the site, the Developer will strive to exceed these commitments.

**Estimated Tax Implications for 100% Abatement Request:**

The proposed project would result in a net gain in property taxes while the abatement is in place. The estimated tax value of 437 and 511 E. South Street together totals \$9,000, based on its 28 January 2015 purchase price, which would generate \$242 in revenues annually. (While the tax valuation of both buildings is currently listed at \$38,170, an appeal is in process to reset the valuation to the building's fair market purchase price.) The acquisition cost of the building reflects its grave condition, which was under orders for demolition by the City of Wooster Building Department prior to the sale.

**Table 1** (following page) outlines the tax implications should the entire \$500,000 investment be reflected in future property valuation, which would provide Morrison Enterprises LLC with an annual savings of up to \$13,712. Effectively, \$600 in annual income taxes would be generated from the committed payroll. Located in one of Wooster's most distressed neighborhoods, and coupled with the proposed revitalization of nearby 335 E. Liberty Street, the project would provide a positive impact on marketability of surrounding real estate.

**FIGURE 3**  
437 & 511 E. South St.



Site Photograph, 18 March 2015, City of Wooster

**TABLE 1**

**Morrison Enterprises LLC Maximum Level Investment Projected Tax Impacts**

<b>Current Tax Value<sup>1</sup></b>	<b>Total</b>	\$9,000	Annual Tax Obligation <sup>1</sup>	<b>\$242</b>
<b>Post Project Tax Value (est)</b>			Annual Tax Obligation without Abatement <sup>2</sup>	\$13,712
<i>Based on \$500,000 Invested in real property</i>	<b>Total</b>	\$509,000	Annual Tax Obligation with 100% Abatement	\$242
<b>Annual Savings<sup>3</sup> (100% Abatement)</b>	<b>Total</b>	\$13,470	Total Savings after 10 Years	\$134,700
<p><b>UPDATED - Please note: 18 May 2015 – Wayne County Auditor determined value to be \$12,000. Annual Obligation of \$323. Please add \$81 to all obligation values.</b></p>			Net Property Tax <u>Gain</u> with Abatement	N/A - Retain \$242
			Cumulative Net Property Tax Gain	N/A
			Annual City of Wooster Income Tax <u>Retention</u> <sup>4</sup>	\$600
			Cumulative Income Tax <u>Retention</u> <sup>4</sup>	\$6,000

1. Current Value is based on purchase price of \$9,000, which would generate an estimated \$242 in taxes annually. While the property is currently valued at \$38,170, generating \$1,341 in annual taxes, a formal appeal is in process to reset the current valuation of \$38,170 to the fair-market purchase price. It is important to note that the Ice-House portion of the property was under demolition orders by the City of Wooster prior to purchase, creating a substantial liability for the property. (Parcel 64-00014.000 is valued at \$19,190, generating \$674.02 in annual tax revenues. Parcel 64-01130.000, the Ice House structure, is valued at \$18,980, generating \$666.98 in annual revenues.)
2. "Annual Tax Obligation without Abatement" based existing value in addition to a \$500,000 investment. This figure was calculated using the Wayne County Auditor's Tax Estimator Tool for tax rates within District 64 for 2015, which is contained within the City's 1st Ward and the Wooster City School District, with a total millage of 76.96842. This amount is only an estimate, obtained through the Wayne County Auditor's Online Tax Estimator Tool, which is located at the following address: (<http://www.waynecountyauditor.org/taxestimator/Default.aspx>).
3. "Annual Savings" is the estimated maximum tax increase protection available to the applicant, assuming a \$9,000 valuation based on fair market purchase price (pending appeal) and the \$500,000 investment is entirely reflected in the Auditor's final evaluation. Please note that CRA-supported projects have historically
4. Net Income Tax Gain assumes an income tax of 1.5 percent of an estimated \$40,000 created annual payroll.

**Reason for Requesting 100% 10-Year Tax Abatement – (#11 B. from CRA Application)**

**FIGURE 4**  
437 & 511 from Beall Ave.



Site Photograph, 9 April 2015, City of Wooster

Please find the enclosed letter from Morrison Enterprises LLC, which has provided the following reason for its request: "437 & 511 E. South Street are abandoned and deteriorating buildings. For over 30 years these buildings have been neglected. Today, the buildings even present a safety hazard. It will take a great deal of financial, mental and physical work to revitalize the once grand structure. As progress is made, it will set a tone of new-found growth and community pride. This activity may encourage neighbors to follow. This property played an important role in the past growth of Wooster. It would be a shame to see the iconic "Minglewood" be left to deteriorate and eventually demolished. Relying on my experiences,

as founder and owner of Morrison Custom Welding, I am confident these buildings can be restored. I have the resources, knowledge, and background required to bring these structures back to productive use, reinvesting in Wooster's Downtown. I respectfully ask for the tax incentive to aid in the revitalization costs."

The proposed rehabilitation of 437 and 511 E. South Street will complement the extensive work underway to foster redevelopment of Wooster's eastern stretch of Downtown. While the current property stands as a historical reminder to Wooster's roots, its condition has created a safety hazard. Rather than tearing the structure down, as was ordered by the City of Wooster's Building Department, the new owner proposes to work to save some, if not all, of the facility and repurpose it for a complementary use to surrounding residential, commercial, and industrial properties.

After performing an Administrative Review of Morrison Enterprises LLC's application seeking a 100 percent real estate tax abatement for ten years, and considering the opportunities the project presents for its surrounding neighborhood and Downtown as a whole, the City of Wooster's Administrative Team supports its consideration. The developer has taken a considerable risk in attempting to repurpose a blighted building at 511 E. South Street and preserve a piece of Wooster's history, whereas simply demolishing the building would impose comparatively very little costs and resources. A public-private partnership is needed to help this project succeed.

The Wooster City School District and the Wooster City Council must vote in approval of the proposed project before a CRA agreement may be extended to Morrison Enterprises LLC. The City of Wooster is respectfully requesting that the Wooster City School District waive its right to the 45 business-day notification period it is entitled to under State of Ohio law, so as to allow the developer to move forward and take advantage of warmer construction months in 2015.

## Attachments

Please reference the following for additional details about this the proposed project:

- Letter Mark Morrison, proprietor of Morrison Enterprises LLC, with photographs.
- Project Site Map (Wooster GIS)
- Morrison Enterprises LLC Proposed Revitalization Project Scope
- Letter of Support from Main Street Wooster Inc.
- Letter of Support from the Wooster Area Chamber of Commerce
- Letter of Financing Ability from The Commercial & Savings Bank (Colby Chamberlin)
- Wayne County Auditor's Record Cards and Map for Parcels 64-01130.000 and 64-00014.000
- Signed Morrison Enterprises LLC Properties LLC Application

### FIGURE 5

437 & 511 from Across E. South Street



Site Photograph, 9 April 2015, City of Wooster







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

<b>Division</b> Engineering	<b>Meeting Date Requested</b> June 1, 2015
<b>Project Name</b> : Bowman Street and Long Road Resurfacing	<b>Approved for Agenda</b>
<b>Estimated Total Cost</b> \$450,000 (Capital Improvement Fund)	
<b>Is Full Amount Budgeted</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If No, How Is The Purchase To Be Funded?</b>	
<b>Description Of Purchase</b> This is a request to authorize advertisement and award of a contract to the lowest and best bidder for resurfacing and repairing the pavement on Bowman Street between Market Street and Gasche Street and Long Road.	
<b>Justification / Benefits</b> The existing pavement has deteriorated and additional pavement repair is necessary to maintain traffic.	
<b>Will This Project Effect the City's Operating Costs</b> This project should reduce maintenance costs by repairing deteriorating roads.	
<b>What Alternatives Exist and What Are The Implications of The Alternatives</b> Do nothing, and continue to patch holes as best as possible.	
<b>Is This A Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>If Yes, Explain The Circumstances</b>	
<b>Are You Requesting Suspension Of The Rules</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If Yes, Note Reasons</b> While suspension of the rules is not necessary, earlier passage would allow the opportunity to advertise and bid this project as soon as possible in order to obtain the best possible bids and schedule paving as soon as possible.	
<b>Division Manager</b> Roger Kobilarcsik	<b>Date</b> May 27, 2015

Res # 46



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

<b>Division</b> Engineering	<b>Meeting Date Requested</b> June 1, 2015
<b>Project Name</b> : Secondary Transmission Waterline Replacement - Bid & Award	<b>Approved for Agenda</b>
<b>Estimated Total Cost</b> \$906,000 (\$398,640 is being funded by a grant from OPWC).	
<b>Is Full Amount Budgeted</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If No, How Is The Purchase To Be Funded?</b>	
<b>Description Of Purchase</b> This is a request to authorize advertisement and award of a contract to the lowest and best bidder for improvements to the secondary water transmission line through the Christmas Run Park, on Woodland Avenue, Northwestern Avenue, Forest Drive and Pearl Street.	
Resolution 2014-61 Application for grant	
<b>Justification / Benefits</b> This project will replace existing waterlines that are beyond their useful life and have a substantial break history. The proposed OPWC funding will cover 44% of the project costs. The new line replaces an old outdated line which runs under the existing playground equipment which is being replaced in the future.	
<b>Will This Project Effect the City's Operating Costs</b> This project should reduce maintenance costs by repairing a deteriorating waterline.	
<b>What Alternatives Exist and What Are The Implications of The Alternatives</b> Do nothing, and continue to repair the waterline as it breaks and patch holes in the pavement as best as possible.	
<b>Is This A Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>If Yes, Explain The Circumstances</b>	
<b>Are You Requesting Suspension Of The Rules</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If Yes, Note Reasons</b> When the City accepted the funds from OPWC, we also agreed to a construction schedule that requires award of a contract before the end of July, 2015.	
<b>Division Manager</b> Joel Montgomery	<b>Date</b> May 27, 2015

Res #47