

CITY COUNCIL AGENDA

March 17, 2014

7:30 p.m.

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

I. ROLL CALL & ORDERING OF AGENDA

II. APPROVAL OF MINUTES

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

Liquor License notice regarding a request from Mara Vee LLC to transfer a D5 permit application from 150 West Liberty Street to 350 East Liberty Street.

V. COMMITTEE REPORTS; PUBLIC HEARINGS

VI. OLD BUSINESS

1. Third Reading – ORDINANCE NO. 2014-05 AN ORDINANCE AMENDING CHAPTER 162, MANAGEMENT BENEFITS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, AND DECLARING AN EMERGENCY (Ansel)

2. Second Reading – ORDINANCE NO. 2014-08 AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Ansel)

VII. NEW BUSINESS

1. First Reading – ORDINANCE NO. 2014-09 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$3,040,000 FOR THE PURPOSE OF PAYING COSTS OF IMPROVING THE CITY'S WATER SYSTEM BY CONSTRUCTING A MUNICIPAL WATER TOWER, TOGETHER WITH THE NECESSARY SITE WORK, FENCING, AND DRIVEWAY APPROACH, AND CONSTRUCTING A WATER PUMP STATION, TOGETHER WITH THE NECESSARY WATERLINE EXTENSIONS AND CURB CONNECTIONS IN CONNECTION THEREWITH, ALL TOGETHER WITH ALL NECESSARY AND RELATED IMPROVEMENTS AND APPURTENANCES THERETO AND ACQUIRING ANY REAL ESTATE OR INTEREST THEREIN REQUIRED THEREFOR, AND DECLARING AN EMERGENCY. (Ansel)

2. First Reading – RESOLUTION NO. 2014-22 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE VEHICLES IN ACCORDANCE WITH THE CAPITAL PLAN FOR 2014 (Cavin)

3. First Reading – RESOLUTION NO. 2014-23 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO THE INTERSECTION OF BURBANK ROAD (SR 83) AND SMITHVILLE WESTERN ROAD WITHIN THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (PID 94668) (Ulbright)

4. First Reading – RESOLUTION NO. 2014-24 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE REPLACEMENT OF THE WATER LINE SERVING BRANSTETTER STREET (Sanders)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

NOTICE TO LEGISLATIVE
AUTHORITY

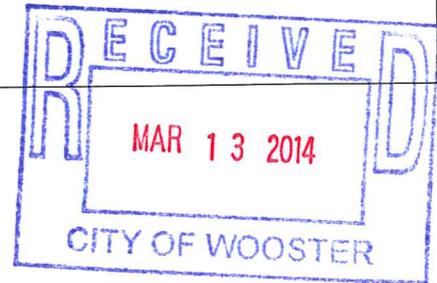
OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

55153360003		TRFL	MARA VEE LLC
PERMIT NUMBER		TYPE	DBA ZEN
02	01	2013	
ISSUE DATE		350 E LIBERTY	
03	07	2014	
FILING DATE		WOOSTER OH 44691	
D5			
PERMIT CLASSES			
85	165	B	F11617
TAX DISTRICT		RECEIPT NO.	

FROM 03/11/2014 SAFEKEEPING

55153360002			MARA VEE LLC
PERMIT NUMBER		TYPE	DBA ZEN
02	01	2013	
ISSUE DATE		1ST FL	
03	07	2014	
FILING DATE		150 W LIBERTY	
D5			
PERMIT CLASSES			
85	165		
TAX DISTRICT		RECEIPT NO.	



MAILED 03/11/2014

RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/11/2014

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL

WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

B TRFL 5515336-0003

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) - Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF WOOSTER CITY COUNCIL
538 N MARKET ST
PO BOX 1128
WOOSTER OHIO 44691

55153360003 PERMIT NBR
MARA VEE LLC
DBA ZEN
350 E LIBERTY
WOOSTER OH 44691

CYNTHIA VEEMARA

03/07/2014 ACTIVE

MAN-MBR

PA2-KEY = END SESSION, CLEAR-KEY = END OPTION, ENTER-KEY = TO CONTINUE

ORDINANCE NO. 2014-05

AN ORDINANCE AMENDING CHAPTER 162, MANAGEMENT BENEFITS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, AND DECLARING AN EMERGENCY

WHEREAS, the Director of Administration has recommended certain changes to the Management Benefits ordinances.

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

SECTION 1. That Chapter 162 of the Codified Ordinances, entitled Management Benefits, be amended to read in accordance with the attached Exhibit A.

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 Resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, and for the further reason that prompt action is necessary to implement the amended provisions as of June 1, 2014; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 2-18-14 2nd reading 3-3-14 3rd reading _____

Passed: _____, 2014 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2014
Mayor

Introduced by: Jon Ansel

CHAPTER 162

Management Benefits

- 162.01 Administration.
- 162.02 ~~Medical~~ **Health** insurance.
- 162.03 Leaves.
- 162.04 Education assistance.
- 162.05 Holidays.
- 162.06 Uniforms.
- 162.07 Retirement benefits.
- 162.08 Salaries.
- 162.09 Management positions.

162.01 ADMINISTRATION.

Only management level employees of the City (including supervisor, confidential and administrative support employees) shall be eligible for any of the benefits described herein. Such employees shall be defined as those employees listed on the Allocation of Management Positions Ordinance *in Section 162.09, herein.*

162.02 ~~MEDICAL~~ **HEALTH** INSURANCE.

(a) Management level employees may enroll in the City's health insurance program for ~~single or family coverage~~, subject to the terms and conditions established by the Mayor. *Such program may include medical, dental, vision, disability and/or life insurance coverages.*

~~(b) Subject to the terms and conditions established by the Mayor, management level employees may request reimbursement for dental or optical expenses not covered under the medical insurance plan payable in accordance with the dental/optical guidelines. Unless superseded by a successor plan established by the Mayor, the maximum reimbursement shall be four hundred dollars (\$400.00) each calendar year beginning January 1, 1996. Any unused balance for each calendar year will be credited to the following year, provided that such unused balance must be expended by June 30th of the following year, after which it will be forfeited and provided that statements attributable to an unused balance carried over from the prior year must be received in the Personnel Division by July 15 of the current year, in which event the purchase order will be liquidated no later than September 30 of the current year.~~

162.03 LEAVES.

Management level employees shall be paid their full salary while on sick and vacation leaves. They shall continue to earn sick leave and vacation credit while on sick leave, injury leave, vacation leave and military leave.

- (a) [No change]

(1) [No change]

(2) A. *With respect to employees who retire on or before December 31, 2018,*

~~When~~ management employees with at least ten years of service with the City retire, they shall be paid thirty-three percent (33%) of their accumulated sick leave, not to exceed seventy-five (75) days. When management employees with less than ten years of service with the City, but with ten or more years service with the State, any political subdivision, or a combination thereof retire from active service with the City, the rate shall be reduced to twenty-five percent (25%), *not to exceed seventy-five (75) days*. Such payment shall be based on the employee's rate of pay at the time of retirement and eliminates all sick leave credit accrued but unused by the employee at the time of the payment. As used in this section, "retirement" is limited to the point at which an employee is then eligible to receive disability or service retirement payments under any State or municipal retirement system in this State.

B. *With respect to employees who retire on or after January 1, 2019, when management employees with at least ten years of service with the City retire, they shall be paid twenty-five percent (25%) of their accrued but unused sick leave, not to exceed two hundred forty (240) hours. Management employees with less than ten years of service with the City, but with ten or more years service with the State, any political subdivision, or a combination thereof retire from active service with the City, shall be paid twenty-five percent (25%) of their accrued but unused sick leave, not to exceed two hundred forty (240) hours. Such payment shall be based on the employee's rate of pay at the time of retirement and eliminates all sick leave credit accrued but unused by the employee at the time of the payment. As used in this section, "retirement" is limited to the point at which an employee is then eligible to receive disability or service retirement payments under any State or municipal retirement system in this State.*

C. In the case of the death of an employee, the estate of an employee with ten or more years of service to the City shall receive payment for his/her accumulated sick leave based upon the employee's rate of pay at time of death. Maximum payment shall be as prescribed in the preceding subsection, provided that an employee who died before becoming eligible for retirement will be limited to a maximum payment calculated by multiplying the figure from subsection (a)(2) A. hereof by the fraction of the employee's total years of service divided by 30.

(3) Management employees may use sick leave for absences due to personal illness, injury, pregnancy, exposure to contagious disease *and/or* examination by an appropriate *health care* practitioner for medical, dental, optical or psychological purposes. Sick leave may also be used for illness of or injury to a member of the employee's family (*spouse, children or employee's parents*), ~~or to attend the funeral of a member of the employee's family~~. For use of sick leave for parents of an employee, employees are limited to no more than three days per calendar year.

(4) Sick leave incentive. Management level employees who have a minimum of forty days of accumulated sick leave on the first day of the last pay period ending in the preceding year, and who increase that balance by an additional eleven days from the first day of the last pay period ending in December of the current year, shall qualify for sick leave incentive.

A. [No change]

B. [No change]

C. [No change]

D. *This subsection (4), Sick leave incentive, will be repealed as of January 1, 2015.*

(b) Injury Leave. [No change]

(c) *Family Medical Leave Act (FMLA). The City of Wooster is and will remain in compliance with respect to the FMLA regulations and requirements.* Pregnancy, Childbirth Leave. Upon written request to the Mayor and/or Director of Administration a pregnant employee may be granted a leave of absence without pay subject to the provisions of this section.

(1) — Leaves of absence without pay shall be limited to a period of time not to exceed six months. This period may include a reasonable delivery and recovery period, as certified by physician, and may extend past the one year limitation upon approval by the Mayor and/or Director. Such leave shall not include time, following recovery from childbirth, being requested for purposes of child care.

(2) — A pregnant employee requesting a leave of absence without pay shall present, at the time the request is made, a physician's statement that the employee is unable to perform the material and substantial duties of her position as a result of pregnancy, childbirth or related medical conditions.

(3) — Use of sick leave and vacation leave: A pregnant employee shall be permitted to use accumulated sick leave for the period of time as certified by a physician, that the employee is unable to perform the material and substantial duties of her position as a result of pregnancy, childbirth or related medical conditions. An employee using sick leave credit shall not be prevented from receiving a leave of absence without pay for the remainder of the period an employee is unable to return to work. A pregnant employee is also permitted to use approved, accumulated vacation leave.

(d) — Child Care Leave. Employees may take required time off for special child care purposes. Such leave shall be considered on a nondiscriminatory basis without regard to gender of the employee. Such leave shall be without pay. Child care leave may be renewed once upon approval by the Mayor and/or Director of Administration. An employee on child care leave shall continue to receive medical insurance coverage, but shall cease to earn vacation and sick leave credit. An adoptive parent's request shall be considered on the same basis as that of a biological parent under similar circumstances.

(d) *Bereavement Leave. In the event of the death of an immediate family member, employees will be permitted to take up to five (5) days with full pay for purposes of dealing with matters related to death and grieving. Such leave will not be granted to employees attending a funeral during periods when, for other reasons, they are not at work, such as during vacation, holidays or illness.*

(e) Personal Leave. A management level employee may request an unpaid ~~or~~ personal leave of absence for a period not to exceed thirty-one **(31)** calendar days. Request for renewal may be made only once. Award or denial of a personal leave shall be made by the Mayor and/or Director of Administration. All decisions shall be final. ~~All other benefits are discontinued for an employee on a personal leave of absence. Upon approval of the Mayor and/or Director of Administration, employees may continue their medical insurance coverage on a self-pay basis.~~ *During any such period of personal leave employees will continue to be covered by the City's existing health care plan.*

(f) **Non-FMLA** Medical Leave. If ~~m~~Management employees *who* have exhausted *both their FMLA eligibility and* their *accrued* sick leave balance and require additional time off because of their illness, ~~they~~ may request a medical leave of absence.

(1) A medical leave is taken without pay.

(2) The employee does not earn vacation or sick leave credit while on an unpaid medical leave. The Mayor and/or Director of Administration ~~may~~ *shall* continue ~~medical~~ *health* insurance coverage for such employee.

(3) The maximum length of time an employee may request for a **non-FMLA** medical leave is ~~180~~ *ninety (90)* calendar days. A renewal may be awarded only once.

(g) Vacation Leave.

(1) [No change]

(2) [No change]

(3) [No change]

(4) [No change]

(5) [No change]

(6) [No change]

(7) ~~The Mayor and/or Director of Administration may transfer accrued service time from other governmental agencies for any new employee.~~ *Vacation Cash-Out Option. Subject to the approval of the Director of Administration, employees will be permitted to "cash out" unused vacation time of up to one-half of their annual accrual once during any calendar year (January through December), provided that the employee must maintain a minimum balance of ten (10) vacation days. The "cash out" rate will be ninety percent (90%) of the employee's daily base rate.*

(h) [No change]

162.04 EDUCATION ASSISTANCE. [No change]

162.05 HOLIDAYS.

The following days shall be recognized as paid holidays beginning January 1, 2006:

New Year's Day	Labor Day	Christmas Day
Martin Luther King Day	Veteran's Day	
Presidents' Day	Thanksgiving Day	
Memorial Day	Day after Thanksgiving	
Independence Day	Christmas Eve	

~~If a holiday falls on a weekend, the employee may take the time off at an alternative time as approved by the employee's supervisor. Compensation for holidays is included in a management employee's salary.~~

162.06 UNIFORMS. [No change]

162.07 RETIREMENT BENEFITS.

(a) [No change]

(b) [No change]

(c) This section will be repealed as of January 1, 2019.

162.08 SALARIES.

(a) Commencing January 1, 2014, the salary ranges for Supervisor, Confidential and Administrative Employees are hereby established as follows:

S,C & A Grade	Min	Max
1	\$31,751.20	\$ 48,817.60
2	\$33,332.00	\$ 51,266.80
3	\$35,003.80	\$ 53,830.40
4	\$36,764.00	\$ 56,526.60
5	\$38,589.20	\$ 59,335.40
6	\$41,488.20	\$ 63,791.00
7	\$43,560.40	\$ 66,976.00
8	\$46,173.00	\$ 70,994.00

(b) *Commencing January 1, 2014, the salary ranges for Management Employees are hereby established as follows:*

Management Grade	Min	Max
1	\$44,673.20	\$ 68,694.60
2	\$46,901.40	\$ 72,124.00
3	\$49,038.60	\$ 76,024.00
4	\$51,513.80	\$ 79,833.00
5	\$53,586.00	\$ 84,601.40
6	\$56,258.80	\$ 88,834.20
7	\$59,066.80	\$ 93,269.80
8	\$62,030.80	\$ 97,923.80
9	\$65,127.40	\$102,827.40
10	\$68,203.20	\$108,264.00
11	\$71,609.20	\$113,677.20
12	\$74,887.80	\$119,849.60
13	\$78,629.20	\$125,842.60

(c) Commencing January 1, ~~2009~~**2014** and every January 1 thereafter, the salary ranges for management employees *(including supervisor, confidential and administrative support employees)* established in this chapter shall *may* be adjusted by the same percentage as the increases contained in the corresponding collective bargaining agreement with the Wooster Employees Association *based upon market survey data, but not in excess of the annual cost of living adjustment published by the Ohio Public Employees Retirement System.*

(d) In addition to the salaries established herein, management employees will be eligible for the "pick up" provided for in Section 2 of Ordinance No. 1999-32 *effective as of April 1, 2014 the City, as employer, will pay 3.5% of each employee's statutorily required 10% contribution to OPERS for all management (including supervisor, confidential and administrative support) employees.*

162.09 MANAGEMENT POSITIONS.

(a) In accordance with Article V, Section 5.03 of the Charter of the City of Wooster, and ~~the Codified Ordinance~~ Section 162.01, *above*, the following management positions are hereby identified and authorized:

POSITION	STATUS
Accountant I	Unclassified
Accountant II	Unclassified
Administrative Assistant	Unclassified
Assistant City Engineer	Unclassified
Assistant Fire Chief	Classified
Building Standards Manager	Unclassified
City Planner	Unclassified
Community Service and Development Administrator	Unclassified
Deputy Director of Finance	Unclassified
Director of Administration	Unclassified
Director of Finance	Unclassified
Director of Law	Unclassified
Development Coordinator	Unclassified
Engineering Manager	Unclassified
Finance Manager	Unclassified
Fire Chief	Classified
Human Resources Manager	Unclassified
Human Resources Specialist	Classified <i>Unclassified</i>
Information Systems Manager	Unclassified
Planning and Zoning Manager	Unclassified
Police Captain	Classified

Police Chief	Classified
Project Manager	Unclassified
Public Properties Maintenance Manager	Unclassified
Public Properties Maintenance Assistant Manager	Unclassified
Public Properties Maintenance Supervisor	Classified
Public Works Administrator	Unclassified
Recreation/Community Center Manager	Unclassified
Recreation Supervisor	Unclassified
Safety Administrative Supervisor	Classified
Staff Engineer	Unclassified
Utilities Manager	Unclassified
Utilities Assistant Manager	Unclassified
Utilities Supervisor	Classified

~~(b) — Any employee presently serving in a position considered to be classified prior to the adoption of this Ordinance shall continue in such status so long as s/he remains in that position.~~

ORDINANCE NO. 2014-08

AN ORDINANCE AMENDING THE ANNUAL
APPROPRIATION ORDINANCE

WHEREAS, the Council of the City of Wooster adopted an Annual Appropriation Ordinance No. 2013-43 for Fiscal Year 2014, and from time-to-time it becomes necessary to amend that Ordinance; and

WHEREAS, the director of finance has received confirmation of the extension of the City's CDBG Downtown Discretionary Grant in the amount of \$253,200.00 and the 2012 CDBG Formula Grant in the amount of \$21,200.00; and it is necessary to appropriate those funds for their intended purposes.

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

SECTION 1. The amount of \$274,400.00 is hereby appropriated to the Community Development Block Grant Fund for the purposes stated herein.

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

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

1st reading 3-3-14 2nd reading _____ 3rd reading _____

Passed: _____, 2014 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2014
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)

In January, we received confirmation of the extension of our CDBG Downtown Discretionary grant in the amount of \$253,200 and our 2012 CDBG Formula grant of \$21,200. The CDBG Downtown Discretionary grant is for downtown building revitalization and the 2012 CDBG Formula grant is for East Liberty Street parking.

Please prepare legislation that will appropriate \$274,400 in the Community Development Block Grant (CDBG) Fund from the unappropriated balance in the Community Development Block Grant (CDBG) Fund. \$274,400 is derived from adding the CDBG Downtown Discretionary grant (\$253,200) and the 2012 CDBG Formula grant (\$21,200). Both grants are federal programs.

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

Manager Requesting

Date

Approved for Agenda

Ord #8

ORDINANCE NO. 2014-09

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$3,040,000 FOR THE PURPOSE OF PAYING COSTS OF IMPROVING THE CITY'S WATER SYSTEM BY CONSTRUCTING A MUNICIPAL WATER TOWER, TOGETHER WITH THE NECESSARY SITE WORK, FENCING, AND DRIVEWAY APPROACH, AND CONSTRUCTING A WATER PUMP STATION, TOGETHER WITH THE NECESSARY WATERLINE EXTENSIONS AND CURB CONNECTIONS IN CONNECTION THEREWITH, ALL TOGETHER WITH ALL NECESSARY AND RELATED IMPROVEMENTS AND APPURTENANCES THERETO AND ACQUIRING ANY REAL ESTATE OR INTEREST THEREIN REQUIRED THEREFOR, 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 40 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, 2014.

“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 2014 to and including 2033, 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 \$3,040,000 (the Bonds) for the purpose of paying costs of improving the City’s water system by constructing a municipal water tower, together with the necessary site work, fencing, and driveway approach, and constructing a water pump station, together with the necessary waterline extensions and curb connections in connection therewith, all together with all necessary and related improvements and appurtenances thereto and acquiring any real estate or interest therein required therefor, including the payment of expenses related to the issuance of the Bonds.

The aggregate principal amount of Bonds to be issued shall not exceed \$3,040,000 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 15th 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 moneys 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 45th 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 (i) the earliest optional redemption date shall not be more than 10½ years after the Closing Date and (ii) 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 (i) 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 (ii) 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 moneys 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 those moneys 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 moneys 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 moneys 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 15th 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. In each year, to the extent the income from the municipal waterworks system is available for the payment of the debt charges on the Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of the income so available and appropriated. 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 Sanders (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

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

Division

Project Name

Requested Meeting Date

Approved for Agenda

Full Amount is Budgeted

If not, how is purchase to be funded?

Description of Purchase

Replacement of three "undercover vehicles" used by the Detective Bureau and Police Administration.

Replacement of one Ford Crown Victoria (Car 3) used by the Patrol Division

Justifications / Benefits

The three undercover vehicles being replaced are: 2005, 2006 and 2007 Ford Taurus
One vehicle will be replaced with a Ford Interceptor Sedan, two vehicles will be replaced with Ford Interceptor SUV's. Adding these AWD SUV's to our fleet will give us additional resources to utilize during periods of inclement weather.

Car 3 will be replaced with a Ford Interceptor SUV. This will also add an AWD capability to our fleet but more importantly will give additional interior vehicle space for Officer's who are in the Field Training Program and must ride with two officers. Additionally, it will provide several of our officers, who are over 6'4", additional space while working a twelve hour shift.

Interceptor Sedan with Equipment - 28,150
Undercover SUV - 35,700
Patrol SUV - 38,800

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

Budgeted Capital

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

Sole Source Bid or Non-Bid Situation?

If Yes, explain the circumstances

Vehicles were not bid, however, quotes were requested from several Ford dealers in Wayne County. Only Pallotta Ford responded to the request for a quote. Vehicles are being purchased at or below state bid per City Ordinance.

Requesting suspension of the rules?

If Yes, explain reasons.

Division Manager

Date

Res 22

PRELIMINARY LEGISLATION

Ordinance/Resolution No. 2014-23
PID No. 94668
Project Name WAY SR 0083 15.86

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

SECTION I - Project Description

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

This safety project consists of constructing a roundabout at the intersection of WAY-83-15.86 and Smithville-Western Road.

The project is approximately 0.30 miles in length on SR83.

Construction is tentatively scheduled to begin/end in calendar year 2016.

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

SECTION II - Consent Statement

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

SECTION III - Cooperation Statement

The City shall cooperate with the Director of Transportation, for the portion of this project within the Wooster Corporation limit, as follows:

- 1) *The City agrees to assume and bear ten percent (10%) of the Preliminary Engineering costs (R/W Services – Management, Appraisal and Appraisal Review).*
- 2) *The City agrees to assume and bear ten percent (10%) of the Right of Way costs (Acquisition and Real Estate Services for Acquisition).*
- 3) *The city agrees to assume and bear ten percent (10%) of the Construction costs.*
- 4) *Parcels within the City of Wooster will be secured in the name of the “City of*

PID No. 94668
Project Name WAY SR 0083 15.86

Wooster". All Temporary Easements will be in the name of the State of Ohio.

SECTION IV - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the City shall:

- 1) Provide adequate maintenance for the described Project in accordance with all applicable state and federal law;
- 2) Provide ample financial provisions, as necessary, for the maintenance of the described project;
- 3) Maintain the right-of-way, keeping it free of obstructions; and hold said right-of-way inviolate for public highway purposes.

PID No. 94668
Project Name WAY SR 0083 15.86

**CERTIFICATE OF COPY
STATE OF OHIO**

City of Wooster of Wayne County, Ohio

I, Amy Hamilton, as Clerk of the City of Wooster of Wayne County, Ohio,

Do hereby certify that the foregoing is a true and correct copy of Res.No. 2014-23 adopted by
(Ordinance/Resolution)

the legislative Authority of the said City of Wooster on this ____ day of _____, 2014,

that the publication of such Resolution has been made and certified of record according to
(Ordinance/Resolution)

law; that no proceedings looking to a referendum upon such Resolution have been taken;
(Ordinance/Resolution)

and that such Resolution and certificate of publication thereof are of record in
(Ordinance/Resolution)

Resolution No. ~~XXXX~~ 2014-23.
(Ordinance/Resolution)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this ____ day of _____, 2014,

(SEAL)
(If Applicable)

Clerk Signature
City of Wooster of Wayne County, Ohio.

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

For the City of Wooster of Wayne County, Ohio

Attest: _____, Date _____
Contractual Officer

For the State of Ohio

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

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

Division Engineering	Meeting Date Requested March 17, 2014
Project Name ODOT WAY-83-15.86 Intersection Improvements (Roundabout) PID 94668	Approved for Agenda
Estimated Total Cost \$1,600,000.00 (Construction Costs \$1,400,000, 90% ODOT, 10% City; Right of Way Costs \$200,000, 90% ODOT, 10% City)	
Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded?	
Description Of Purchase This is a request for authorization to participate with ODOT for a portion of the ODOT WAY-83-15.86 Intersection Improvements (Roundabout). The City is agreeing to pay 10% of the construction costs plus 10% of the R/W services including management, appraisal, appraisal review, acquisition and real estate services for acquisition for a total estimated cost of \$160,000.	
Justification / Benefits The Ohio Department of Transportation has committed to funding 90% of the construction costs and 90% of the Right of Way costs with the City responsible for 10% of both costs.	
Will This Project Effect the City's Operating Costs This project should have little or no effect on the City's operating costs. Road maintenance should be reduced after the project is completed.	
What Alternatives Exist and What Are The Implications of The Alternatives There are no reasonable alternatives. If we fail to give consent, the City could ultimately be held responsible for the total costs of improving the intersection.	
Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, Explain The Circumstances	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Note Reasons ODOT is requesting that the completed legislation be returned to them no later than March 20, 2014.	
Division Manager Roger Kobilarcsik	Date March 10, 2014

Res 93



OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 3 • 906 CLARK AVE • ASHLAND, OHIO 44805 • (800) 276-4188
JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR • ALLEN C. BIEHL, P.E., DISTRICT DEPUTY DIRECTOR

February 7, 2014

Mr. Roger Kobilarcsik, P.E.
City of Wooster Engineer
538 North Market Street
Wooster, OH 44691

Re: PID 94668 WAY-83-15.86 Intersection Improvement

Dear Mr. Kobilarcsik:

Enclosed are two (2) copies of an ordinance form, to be enacted by the City Council for the referenced project.

Please make arrangements to have the ordinance forms presented to the City Council for consideration and when enacted, **return two (2) original signature copies to this office**. An original signature copy will be returned to the city later with a signature of the Director of ODOT affixed.

The title of the contractual officer should be affixed on page two and that person should sign as the contractual officer on page three. If the city does not have an official seal, please attach a copy of a statement to that effect, to the return transmittal. **Please return these documents to this office no later than March 20, 2014.**

Please call me at 419.207.7062 if you have any questions.

Respectfully,

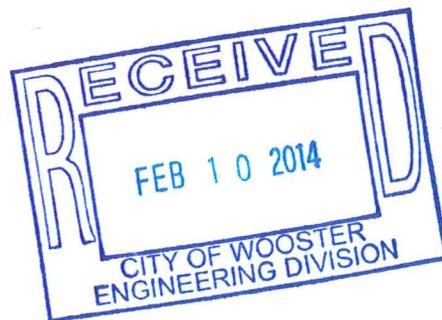
A handwritten signature in blue ink, appearing to read "Toriene Johnson", with a long horizontal flourish extending to the right.

Toriene Johnson, AP 4
Planning & Engineering Department
District 3

LAF:TMJ:tmj

Attachments

cc: Project file, I:Drive file



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

Division Engineering	Meeting Date Requested March 17, 2014
Project Name Brandstetter Street W/L	Approved for Agenda
Estimated Total Cost \$ 265,000 (Water Fund)	
Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded?	
Description Of Purchase This is a request to authorize advertisement and award of a contract to the lowest and best bidder for the replacement of the W/L on Brandstetter Street between Old Mansfield and West Old Lincoln Way. This project involves the replacement of 2000 linear feet of 6" W/L installed in 1947 with a history of breaks. The project includes replacing 22 water services and 4 fire hydrants.	
Justification / Benefits This project will replace an aging waterline with a history of breaks. This area also is in need of pavement repair, replacing the underground infrastructure would allow pavement repair to take place.	
Will This Project Effect the City's Operating Costs This project should reduce maintenance and operating costs.	
What Alternatives Exist and What Are The Implications of The Alternatives We could postpone the project, which could result in possible emergency repairs.	
Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, Explain The Circumstances	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Note Reasons While suspension of the rules is not necessary, earlier passage would allow the opportunity to advertise and bid this project as early as possible in order to obtain the best possible bids.	
Division Manager Roger Kobilarcsik	Date March 13, 2014

Res #24