

**CITY COUNCIL AGENDA**  
**September 19, 2022**  
**7:30p.m.**

The meeting convenes 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**  
Liquor Control – Montavino LLC  
2017 Portage Road & Patio  
Wooster, Ohio 44691
- V. COMMITTEE REPORTS; PUBLIC HEARINGS**
- VI. UNFINISHED BUSINESS**
- VII. NEW BUSINESS**
  - 1. First Reading – RESOLUTION NO. 2022-33  
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR ANNUAL BRIDGE INSPECTIONS WITHIN THE CITY OF WOOSTER, AND ALLOWING FOR IMMEDIATE ENACTMENT (Warden)
  - 2. First Reading – RESOLUTION NO. 2022-34  
A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE STATE OF OHIO PUBLIC WORKS COMMISSION FOR A GRANT TO FUND THE HEADWORKS IMPROVEMENT PROJECT; TO ACCEPT SUCH MONIES, IF AWARDED; TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND ALLOWING FOR IMMEDIATE ENACTMENT ( Sanders)
  - 3. First Reading – RESOLUTION NO. 2022-35  
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH MEDICOUNT OF CINCINNATI, OHIO FOR BILLING SERVICES RELATED TO THE CITY EMS SERVICE (Cavin)
  - 4. First Reading – RESOLUTION NO. 2022-36  
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE A DUMP TRUCK, AND ALLOWING FOR IMMEDIATE ENACTMENT (Warden)
  - 5. First Reading – RESOLUTION NO. 2022-37  
A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR SERVICES RENDERED PRIOR TO THE FISCAL OFFICER'S CERTIFICATION OF AVAILABILITY OF FUNDS, AND PROVIDING FOR IMMEDIATE ENACTMENT (Sanders)

6. First Reading – RESOLUTION NO. 2022-38  
A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FOR UTILITY PREVENTATIVE MAINTENANCE AND REPAIR ITEMS FOR UTILITY INFRASTRUCTURE AND ALLOWING FOR IMMEDIATE ENACTMENT (Sanders)
7. First Reading – RESOLUTION NO. 2022-39  
A RESOLUTION APPROPRIATING ADDITIONAL CAPITAL FUNDS FOR THE FIRE STATION ONE RENOVATION AND ALLOWING FOR IMMEDIATE ENACTMENT (Cavin)
8. First Reading – ORDINANCE NO. 2022-24  
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE WOOSTER GROWTH CORPORATION TO MAKE AN APPLICATION TO THE OHIO BROWNFIELD REMEDIATION PROGRAM ROUND II AND TO EXECUTE ALL DOCUMENTS THEREWITH ON BEHALF OF THE CITY OF WOOSTER TO EFFECT THE REMEDIATION OF THE PROPERTY KNOWN AS 517 E. LIBERTY STREET, WOOSTER, OHIO THROUGH THE OHIO EPA VOLUNTARY ACTION PROGRAM AND ACQUIRE THE PROPERTY, FOR IMMEDIATE ENACTMENT (Myers)
9. First Reading – ORDINANCE NO. 2022-25  
CREATING THE OAK HILL TAX INCREMENT FINANCING INCENTIVE DISTRICTS; DECLARING IMPROVEMENTS TO THE PARCELS WITHIN EACH INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE AND EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THOSE SERVICE PAYMENTS; SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT BENEFIT OR SERVE PARCELS IN THE INCENTIVE DISTRICT; AND PROVIDING FOR COMPENSATION PAYMENTS (Reynolds)
10. First Reading – ORDINANCE NO. 2022-26  
AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE AND ALLOWING FOR IMMEDIATE ENACTMENT (Sanders)

#### **VIII. MISCELLANEOUS**

#### **IX. ADJOURNMENT**

**RESOLUTION NO. 2022-33**

**A RESOLUTION AUTHORIZING THE DIRECTOR OF  
ADMINISTRATION TO ENTER INTO A COOPERATIVE AGREEMENT  
WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR  
ANNUAL BRIDGE INSPECTIONS WITHIN THE CITY OF WOOSTER,  
AND ALLOWING FOR IMMEDIATE ENACTMENT**

## LEGISLATION CONSENT

Rev. 8/5/2022

**Ordinance/Resolution #:2022-33**

**ODOT Project Title: Municipal Bridge Inspection Program**

The following is a Resolution enacted by the City Council of the City of Wooster, Wayne County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

### **SECTION I – Project Description**

WHEREAS the (LPA) has determined the need for the described project:

*Bridge Inspection Program Services, including, but not limited to routine inspections, element level inspections, critical findings report, fracture critical member inspections, load rating calculations and reports, weight limits posting sign recommendations, scour assessments, scour plan of actions, development of fracture critical plans, and underwater dive inspection reports if needed.*

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

### **SECTION II – Consent Statement**

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

### **SECTION III – Cooperation Statement**

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

*The State shall assume and bear 100% of all the cost for Bridge Inspection Program Services requested by the City and agreed to by the State. Eligible Bridge Inspection Services are described in the Consultant's Scope of Services Task Order Contract (Exhibit A).*

*The LPA agrees to pay 100% of the cost of those features which are not included in Exhibit A. Those features may include but not limited to the purchasing and erecting the recommended weight limits postings signs, the implementation of critical findings reports such as partial or total bridge closures, the implementation of the scour*

*plan of actions. When recommendations affect public safety, ODOT expects full implementation by the municipality As of October 2019, FHWA requires installing weight limits posting signs within 30 days from the official date of the approved recommendations. Timely implementation is essential to the success of this program.*

**SECTION IV – Utilities and Right-of-Way Statement**

The LPA agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations.

**SECTION V – Project Duration and Consent Applicability**

The Project is based on the available funds provided by ODOT aimed at assisting the LPA in reaching compliance with State and Federal laws and policies for bridge inspection. The Project specifics (program duration, PID number, and consultant scope of services (Exhibit A)) shall be provided to the designated LPA Contractual Agent via email sent by ODOT Office of Structural Engineering (OSE).

ODOT will seek additional funds to renew the project in future years. If such funds are allocated, ODOT will send an email with the Project specifics to the designated LPA Contractual Agent seeking approval for the new Project. ODOT will not proceed with any Project that does not have written authorization via email from the designated LPA Contractual Agent.

**SECTION VI – Authorization of Project**

Roger Kobilarcsik of the City of Wooster Engineering Department is hereby empowered on behalf of the City of Wooster to provide written authorization via email to the Director of Transportation to complete the above-described project and any renewals.

Passed: \_\_\_\_\_, 2022.  
(Date)

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

\_\_\_\_\_  
President of Council Michael Buytendyk

Attest: \_\_\_\_\_  
Clerk of Council Lynne DePaulo

\_\_\_\_\_  
Mayor Robert F. Breneman

Approved: \_\_\_\_\_

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

Introduced by: Jennifer Warden

**CERTIFICATE OF COPY  
STATE OF OHIO**

City of Wooster, Wayne County, Ohio

I, Lynne DePaulo, as Clerk of the City Council of the City of Wooster of Wayne County, Ohio, do hereby certify that the foregoing is a true and correct copy of Resolution 2022-33 adopted by the legislative Authority of the said City Council of the City of Wooster on the 19<sup>th</sup> day of September, 2022. That the publication of such above referenced legislation has been made and certified of record according to Law; that no proceedings looking to a referendum upon such Resolution have been taken; and that such Resolution and certificate of publication thereof are of record in the City of Wooster Resolutions, 2022-33.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this \_\_\_\_\_ day of September, 2022.

\_\_\_\_\_  
(Clerk) Lynne DePaulo

(CITY SEAL)

City of Wooster, Wayne County, Ohio

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.)

The foregoing is accepted as a basis for proceeding with the project herein described.  
For the City of Wooster, Wayne County, Ohio.  
(LPA)

Attested: \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_  
(Contractual Agent) Joel Montgomery

For the State of Ohio

Attested: \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_  
(Director, Ohio Department of Transportation)

#2

Res  
2022-33

### Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

<b>Division:</b> Engineering	<b>Meeting Date Requested</b> September 19, 2022
<b>Project Name</b> ODOT Bridge Inspection Program for 2023	<b>Estimated Total Funds/Costs</b> \$0.00
<b>Is Full Amount Budgeted?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>If YES, three readings NOT REQUIRED</b>	
<b>If No, How is the Purchase to be Funded?</b>	
<b>Description of Request</b> This is a request to give consent to the Ohio Department of Transportation (ODOT) so they can perform bridge inspections in 2023 on the five bridges for which the City is responsible. The five bridges are located on Palmer Street over the railroad, North Street and Larwill Street over the Christmas Run Creek, the culverts under Saybolt and the bridge at the Christmas Run Park. ODOT has completed their third year of inspections and this legislation will extend their inspection program for 1 year.	
<b>Justification / Benefits</b> The Ohio Department of Transportation has committed to funding 100% of the next years inspection costs.	
<b>Will this Project affect the City's Operating Costs</b> This legislation will not affect the operating costs if approved. If it is not approved, it will cost time and effort as described below.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> We do nothing, and forfeit ODOT funds and once again the Engineering Division will need to perform the inspections. In the past Engineering staff spent approximately 100 man hours performing the inspections, filling out paperwork and attending classes.	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>If Yes, Explain The Circumstances:</b> This is a request to simply consent and cooperate with ODOT.	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>If Yes, Note Reasons</b> Passage on first reading is required since ODOT has requested that signed legislation be returned as soon as possible.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Roger Kobilarcsik	<b>Date:</b> September 9, 2022
<b>Approved for Agenda</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	

RESOLUTION NO. 2022-34

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE STATE OF OHIO PUBLIC WORKS COMMISSION FOR A GRANT TO FUND THE HEADWORKS IMPROVEMENT PROJECT; TO ACCEPT SUCH MONIES, IF AWARDED; TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND ALLOWING FOR IMMEDIATE ENACTMENT

WHEREAS, the State of Ohio Public Works Commission has notified the City that it may be eligible for a grant to fund the Headworks Improvement Project of up to \$500,000; and

WHEREAS, this Council deems that prompt action is necessary in order to submit the application.

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

SECTION 1. The Mayor is hereby authorized to submit on behalf of the City of Wooster an application to the State of Ohio Public Works Commission for a grant to fund the Headworks Improvement Project of up to \$500,000.

SECTION 2. This Council hereby accepts such funds if awarded

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

SECTION 4. This Resolution is hereby declared to be necessary for 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; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Passed: \_\_\_\_\_, 2022                      Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2022                      \_\_\_\_\_  
  Mayor

Introduced by: Craig Sanders



#3  
Memo.  
2022-34

**Request for Agenda Item**

**Authorization for Bid**

**Purchase Capital Item**

**Non-Capital**

<b>Division:</b> Engineering	<b>Meeting Date Requested</b> September 19, 2022
<b>Project Name</b> Water Resource Recovery Facility (WRRF) Headwork's Improvement Project OPWC Application	<b>Estimated Total Funds/Costs</b> \$5,061,500. If approved, the Ohio Public Works Commission would fund \$500,000 of the project costs with grant funds.
<b>Is Full Amount Budgeted?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>If YES, three readings NOT REQUIRED</b>	
<b>If No, How is the Purchase to be Funded?</b> This application would be for construction in 2023 with the City's portion budgeted in FY 2023. The remaining funds will come from the Sanitary Sewer Fund. The above cost include the following; \$4,636,500 for construction and \$425,000 for design engineering.	
<b>Description of Request</b> This is a request to authorize application for and acceptance of grant money from the Ohio Public Works Commission for the construction of improvements to the WRRF's headwork's. This project will improve grit removal and overall performance of the WRRF. The project was introduced by Nate Coey during the June 6 <sup>th</sup> infrastructure committee meeting and further explained in Joel's memo to council dated June 21 <sup>st</sup> .  Council has previously past Resolution 2021-70 on 12/6/2021 for design services	
<b>Justification / Benefits</b> Some of the equipment was installed with the 2003-2005 plant upgrades, with some pumps installed in 1997 and 2000, and some concrete being original 1937 construction. These components are at or beyond their useful life. Recent failures in the system have moved the needed replacements forward necessitating a more comprehensive project.	
<b>Will this Project affect the City's Operating Costs</b> Yes, this project will actually reduce the City's operating costs since maintenance costs will be reduced.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> We can do nothing, and turn down the grant funds. We could postpone the project, which will push other projects further into the future, will cost more as construction costs increase, and have no guarantee of future grant funding. We could proceed with the project using 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> OPWC is the only agency offering grant funding at this time.	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>If Yes, Note Reasons</b> OPWC funding application will be prepared for submission but final approval depends on this legislation being passed as soon as possible.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Roger Kobilarcsik	<b>Date:</b> September 9, 2022
<b>Approved for Agenda</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	

# PROJECT MEMORANDUM



To: File

Subject: City of Wooster, Ohio  
Headworks Improvements

J&H: 004-9701.001

From: Daniel W. Miller, P.E.

Date: February 25, 2022  
June 2022 Updated \*  
Sept. 2022 Update\*\*

## 1. General

The City of Wooster desires to upgrade their headworks facility, which includes screening, grit removal and influent pumping. The current system is ineffective at catching grit which then accumulates in the process trains, the screens are only capable of only screening 13 mgd, not meeting required standards and have suffered damage over their years of service, and the influent pumps cannot achieve the full flow of 12 mgd to the treatment system due to both wear and the inability to operate at full speed.

In general, the project will include revision of the existing screen building to include two new screens in a new building with a compactor located above the existing plant influent channels, a new headcell\* grit facility, new grit cyclone and classifier to dewater the grit, improvements to the submersible influent pumps, and new submersible storm pumps\*. All necessary items such as electrical, mechanical, SCADA, site, and structural work will be included in the project. The old FOG tank converted to grit removal shall be removed to 3 ft below grade\*.

This Design Memorandum is to define the project requirements. The memorandum will be updated and distributed as key decisions are made during the project.

## 2. Key Personnel

Jones & Henry Engineers, Ltd.  
3103 Executive Parkway, Suite 300  
Toledo, Ohio 43606

Brad Lowery, P.E.  
Client Principal  
Main # 419-473-9611  
[blowery@jheng.com](mailto:blowery@jheng.com)  
[www.jheng.com](http://www.jheng.com)

Daniel W. Miller, P.E.  
Project Manager  
Direct #419-822-6590  
[dmiller@jheng.com](mailto:dmiller@jheng.com)

City of Wooster, Ohio

Roger Kobilarcsik P.E.\*  
City Engineer  
Wooster, Ohio  
330-263-5236  
[rkobilarcsik@woosteroh.com](mailto:rkobilarcsik@woosteroh.com)

Chad Frank  
[cfrank@woosteroh.com](mailto:cfrank@woosteroh.com)

## 3. Project Specific Requirements

### a. Background Information



**Jones & Henry Engineers, Ltd.**  
**Memorandum**

City of Wooster, Ohio  
Headworks Improvements  
004-9704.001  
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- 1) Request for Proposals-Headworks Improvements - City of Wooster, Ohio
  - 2) Project Kick off minutes
  - 3) ATS 2005 drawings
  - 4) URS 2017 drawings and evaluation
  - 5) 2019, 2020, 2021 MRO information
  - 6) O&M manuals
- b. Utility Owners
- 1) Potable Water – City of Wooster
  - 2) Power – Wooster Ohio AEP
  - 3) Natural Gas – Dominion
- c. Applicable Codes
- 1) Ohio Building Code 2017 based on the 2015 International Building Code
  - 2) 2017 National Electric Code, 2017 Ohio Plumbing Code and the 2017 Ohio Mechanical Code and the 2015 International Fuel Gas Code for OBBC
  - 3) Plans and specifications will be submitted to the Ohio EPA for a Permit to Install.
  - 4) Plans and specifications will be submitted and approved by the City of Wooster Building Standards Division.
  - 5) A Storm Water Pollution Prevention Plan will be prepared to support the acquisition of coverage of construction activity under OEPA's General Permit.
- d. Flood Levels  
Estimated 100-year flood level is 857.00. The plant is protected by a dike, we do not expect to build outside the diked area.
- e. Drafting Standards  
Jones & Henry's drafting standards will be used, and drawings will be prepared with AutoCAD. Piping & equipment, structural, electrical, plumbing, HVAC, and control system drawings will be separate from one another in coordination with each facility/building. Disciplines may be combined if advantageous for visualization and coordination.
- f. Project Funding  
Funding by WPCLF. J&H to complete a Facility plan for the project to be included with the funding application.\*  
Anticipated project cost - \$4,636,500 See attached 60% estimate \*\*

**Process Design Criteria**

- a. Design & Current flows & loadings



**Jones & Henry Engineers, Ltd.**  
**Memorandum**

City of Wooster, Ohio  
Headworks Improvements  
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Current Average Daily Flow	5-6 mgd
Peak Daily Design Treated Flow	27 mgd
Minimum Daily Flow	2 mgd
Average Daily cBOD influent concentration	450 mg/l
Average Daily TSS influent concentration	450 mg/l
Average Daily Ammonia influent concentration	20 mg/l

4. Plant Improvement anticipated components

a. New Influent Screens, Influent and Storm Pumps

Screen style will be a Hydro-dyne\* center flow band screen. The City will issue an RFP to help select the manufacturer. 2 screens each capable of treating the full 27 mgd and a third channel with manual bypass screen. 1/4-inch screen openings. Compactor to compact and wash screenings and screenings discharged directly into dumpster. All equipment inside structure with proper air exchanges and explosion-proof electrical. Separate electrical style room to be could not be fit into the space. Panels will be outside under a canopy\* Skylights for full screen removal and overhead door for equipment removal.

Additional features to be determined during the design and updated herein.

- b. Inlet Pump Station is divided into two wet wells. A wet well for normal flows (up to 12 mgd) and a wet well for storm flows (12 to 27 mgd) - 3 Submersible (Flygt) pumps sized for 12 MGD peak flow with a 4th Submersible (Flygt) used as a Storm Pump or as a substitute pump are in the normal daily flow wet well and 3 centrifugal style pumps are in a dry well to pump storm flows direct to the VLR. - max flow is 15 mgd. The wall between the dry well and wet well of the storm pumps was noted to have damage. The city would consider using submersible pumps or suction lift\* for storm flows in lieu of the centrifugal pumps. The existing normal flow submersible pumps cannot currently run at full speed and deliver 12 mgd, even with the fourth pump running. The wet well may require modifications and the pumps replaced. (Suction lift style pumps have been determined to be too large to fit in the space)\*

All current pumps are on VFD's and new pumps should be as well. The existing submersible pumps have an overhead crane system for removal and new submersible storm pumps should have a removal system as well.

c. Grit Removal and Dewatering

Following screening, a Headcell style grit removal system with a submersible pump will be utilized\*. The grit will be removed by a submersible pump and conveyed to a cyclone for initial separation of the grit from organics and then to a classifier for further dewater and organic separation. The cyclone/classifier system will be located in the new screen building.



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**Jones & Henry Engineers, Ltd.**  
**Memorandum**

City of Wooster, Ohio  
Headworks Improvements  
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- d. Full SCADA and Communication Capabilities will be incorporated into the new design components. We will coordinate with the City's SCADA provider ProTec.
- e. Associated, Roadways, Parking, Site Drainage, and utilities will be included in the design.

5. Schedule

Develop Facility Plan for WPCLF – August 2022\*  
Advertise Project – Winter 2022\*  
Open Bids – Spring 2023\*  
Award in Spring 2023\*  
24 months Construction Period depending on equipment delivery schedules\*

Respectfully submitted,

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Daniel W. Miller, P.E.  
Project Manager

DWM/krd

## Engineers Opinion of Probable Construction Cost - Conceptual

Entity City of Wooster, Ohio  
 Project Wastewater Treatment Headworks Improvements

Date: 9/8/2022  
 Estimator: AJ  
 Checked By: DWM  
 Project No.: 044-7907

Item No.	Description	Qty.	Unit	Unit Amount	Total Amount
1	Mobilization/Demobilization/O&P/GC	1	LS	\$ 691,711	\$ 691,601
2	Site Preparation, Cutting, Clearing, Grubbing, and Top Soil Strip	1	LS	\$126,610	\$126,610
3	Soil Excavation and Fill	1	LS	\$225,000	\$225,000
4	Concrete structures	1	LS	\$488,000	\$488,000
5	Masonry	1	LS	\$102,519	\$102,519
6	Piping/Structure Removals/Abandonment	1	LS	\$75,000	\$75,000
7	Metals	1	LS	\$102,530	\$102,530
8	Woods and Plastic	1	LS	\$2,100	\$2,100
9	Thermal and Moisture Protection	1	LS	\$28,360	\$28,360
10	Doors and Window	1	LS	\$10,000	\$10,000
11	Painting	1	LS	\$30,450	\$30,450
12	Specialities, Signs, Tags	1	LS	\$5,000	\$5,000
13	Equipment & Systems	1	LS	\$1,400,000	\$1,400,000
14	Piping	1	LS	\$310,000	\$310,000
15	HVAC & Plumbing	1	LS	\$164,220	\$164,220
16	Electrical	1	LS	\$453,610	\$453,610
<b>Subtotal Base Construction Cost</b>					<b>\$4,215,000</b>
	Construction Contingencies ( 10% )	1	LS	\$421,500	\$421,500
<b>Total Construction Cost</b>					<b>\$4,636,500</b>
<b>Total Project Cost</b>					<b>\$4,636,500</b>

Seal

RESOLUTION NO. 2022-35

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

WHEREAS, the Director of Administration has recommended that the city renew its contract with Medicount Solutions of Cincinnati, Ohio for billing services related to the EMS service; and

WHEREAS, this City Council deems that prompt action is necessary to continue this service during 2022, and the cost is included in the Fire Division budget for 2022.

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

SECTION 1. The Director of Administration is authorized to enter into a technical services contract with Medicount Solutions of Cincinnati, Ohio for billing services related to the city's EMS service.

SECTION 2. The cost of such contract will not exceed the amount appropriated.

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

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

Introduced: \_\_\_\_\_ Passed: \_\_\_\_\_ Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2022  
Mayor

Introduced by: Mark Cavin

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Rec 2022-35

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Fire Division	Meeting Date Requested 9-19-22
Project Name EMS Billing Contract	Estimated Total Funds/Costs \$55,000
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded?	
<p>Description of Request</p> <p>The Fire Division had entered into an auto renew contract for EMS billing in 2017 for 6% of our gross amount collected for EMS transport billing.</p> <p>The contract fee has never exceeded \$50,000 dollars. In 2022, due to increased EMS call volume and transports. Our gross billed amount is increasing resulting in the potential to exceed the \$50,000 threshold.</p> <p>We are requesting Council's approval of the EMS Billing contract with Medicount management Inc. for the terms within the auto renewal language (6% of gross billing fees).</p>	
<p>Justification / Benefits</p> <p>Our EMS transports are increasing, resulting in additional revenue. As revenue increases, the fees for billing service increase.</p>	
<p>Will this Project affect the City's Operating Costs</p> <p>No. Covered within the O&amp;M budget with corresponding revenue increases.</p>	
<p>What Alternatives Exist and what are the Implications of the Alternatives</p> <p>Terminate contract and go out for a RFP. Which may result in a more expensive or worse service from the vendor.</p>	
<p>Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, Explain The Circumstances:</p>	
<p>Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, Note Reasons</p> <p>Budgted</p>	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: B. Saley	Date: 9-12-22

Approved for Agenda  Yes  No



RESOLUTION NO. 2022-36

A RESOLUTION AUTHORIZING THE DIRECTOR OF  
ADMINISTRATION TO PURCHASE A DUMP TRUCK, AND  
ALLOWING FOR IMMEDIATE ENACTMENT

WHEREAS, the City is in need of a new dump truck to improve overall response time in construction-related duties and enable larger emergency digs to be completed without any downtime.

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

SECTION 1. The Director of Administration is authorized to purchase a new dump truck to improve overall response time in construction-related duties and enable larger emergency digs, with payment to originate from the Water Fund – 501 (50%) and Sanitary Sewer Fund – 502 (50%).

With respect to such purchase, the Director of Administration will advertise according to law and enter into a purchase contract with the lowest and best bidder, except that if the item is available through a state-sponsored cooperative purchasing program or can be accomplished through a vendor upon equivalent terms, conditions and specifications, but at a price which is equal to or lower than that which is available from the state-sponsored program, s/he may make such purchase therefrom if s/he determines that the price and availability is more advantageous to the City.

SECTION 2. The cost of such purchase is included in the 2022 Appropriations Budget.

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

SECTION 4. This Resolution is hereby declared to be necessary for 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; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Introduced: \_\_\_\_\_ Passed: \_\_\_\_\_ Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2022  
Mayor

Introduced by: Jennifer Warden

# 5 Res: 2022-36

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

<b>Division</b> Utilities - Distribution & Collection	<b>Meeting Date Requested</b>
<b>Project Name</b> Dump Truck Addition	<b>Estimated Total Funds/Costs</b> \$150,000
<b>Is Full Amount Budgeted?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
<b>If No, How is the Purchase to be Funded?</b>	
<b>Description of Request</b> 2024 International HV507 Chassis with 10' Henderson Dump	
<b>Justification / Benefits</b> This additional truck will improve overall response time in construction-related duties and enable larger emergency digs to be completed without any downtime.	
<b>Will this Project affect the City's Operating Costs</b> No	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> The alternative to purchasing this dump truck would be to continue to borrow an additional dump truck from PPM when available, but this may cause delays in completing the jobs.	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Explain The Circumstances: Purchase is being made through a State-sponsored cooperative purchasing program.	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons The current state contract ends September 30, 2022.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b>	<b>Date:</b>

Approved for Agenda  Yes  No

RESOLUTION NO. 2022-37

A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR SERVICES RENDERED PRIOR TO THE FISCAL OFFICER'S CERTIFICATION OF AVAILABILITY OF FUNDS, AND PROVIDING FOR IMMEDIATE ENACTMENT

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

SECTION 1. In accordance with ORC 5705.41(D) the following payment for services rendered prior to the Fiscal Officer's certification of availability of funds shall be and is hereby approved:

Vendor: OpenGov, Inc.

Description: Annual fee for web-based document workflow for building permitting, licensing, and code enforcement.

Invoice Date: 08/15/2022

Invoice No.: INV00008235

Amount: \$25,994.32

Purchase Order No.: 2022-0002361 & 2022-0002362

SECTION 2. The cost of this service is appropriated in the 2022 general fund budget.

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

SECTION 4. This Resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division;; 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.

Introduced: \_\_\_\_\_ Passed: \_\_\_\_\_ Vote: \_\_\_\_\_

Attest: \_\_\_\_\_

Clerk of Council

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

Approved: \_\_\_\_\_, 2022

\_\_\_\_\_  
Mayor

Introduced by: Craig Sanders

#6  
Rec 2022-37

### Request for Agenda Item Non-Capital

**Division**  **Meeting Date Requested**

**Project Name**   **Approved for Agenda**

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

Ohio Revised Code Section 5705.41 requires that a certification be obtained from the fiscal officer prior to the time an order is issued or a contract is made. The annual fee for web-based document workflow for building permitting, licensing, and code enforcement used by the Building Standards and Zoning Divisions was dated 08/15/2022. A purchase order was entered the following day, after the certification date required by ORC 5705.41. This is an annual expenditure. It is budgeted in the Building Standards Division (50%) and Zoning Division (50%).

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

**Manager Requesting**

**Date**

**Approved for Agenda**

RESOLUTION NO. 2022-38

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FOR UTILITY PREVENTATIVE MAINTENANCE AND REPAIR ITEMS FOR UTILITY INFRASTRUCTURE AND ALLOWING FOR IMMEDIATE ENACTMENT

WHEREAS, the Utility Division has been contracting with Core and Main for various necessary parts and supplies to be used in preventative maintenance work or repairs on city utility infrastructure and;

WHEREAS, since January 1, 2022, the Distribution and Collection Department solicited a quote and encumbered funds below the \$50,000 limit for services with Core and Main, but the accumulation of expenditures will exceed \$50,000 before the end of the year, requiring legislative authority under WCO 160.03; and

WHEREAS, it is now necessary to seek legislative authority to exceed the \$50,000 threshold, which will come from budgeted funds.

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

SECTION 1. The City is authorized to exceed the \$50,000 threshold with Core and Main for utility preventative maintenance and repair items for utility infrastructure within the City of Wooster.

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 the law.

SECTION 3. This Resolution is hereby declared to be 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; 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.

Introduced: \_\_\_\_\_ Passed: \_\_\_\_\_ Vote: \_\_\_\_\_

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

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

Approved: \_\_\_\_\_, 2022

\_\_\_\_\_  
Mayor

Introduced by: Craig Sanders

#7 Res. 2022-38

### Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Utility – D/C	Meeting Date Requested 9/14/22
Project Name Parts & Supplies for repairing W/L & Sewer Lines	Estimated Total Funds/Costs
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded?	
<p>Description of Request Distribution and Collection uses Core and Main to purchase the necessary items to repair and maintain the sewer and water lines throughout the city. This year due to the number of repairs done the department has almost reached the \$50,000 threshold for purchases from a single vendor.</p> <p>To continue their operations and their level of service to the community, it is necessary to request legislative authority to exceed the \$50,000 threshold.</p>	
Justification / Benefits Core and Main is the main supplier in this area for the necessary parts to repair and maintain the sewer and waterlines.	
Will this Project affect the City's Operating Costs - no	
<p>What Alternatives Exist and what are the Implications of the Alternatives</p> <p>Other vendors exist but Core and Main is the closest and provides the best service.</p>	
<p>Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, Explain The Circumstances:</p>	
<p>Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, Note Reasons</p> <p>The Department has just about reached the \$50,000 limit and still has 4 months of work to be done.</p>	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
Manager Requesting: Joel Montgomery	Date: 9/14/22

Approved for Agenda  Yes  No

RESOLUTION NO. 2022-39

A RESOLUTION APPROPRIATING ADDITIONAL CAPITAL FUNDS FOR THE FIRE STATION ONE RENOVATION AND ALLOWING FOR IMMEDIATE ENACTMENT

WHEREAS it is necessary to renovate Fire Station One; and

WHEREAS, additional funds are necessary for this project and must be appropriated.

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

SECTION 1. The amount of \$2,500,000.00 is appropriated from the unappropriated General Fund (100) balance to the Interfund Cost Center, with a related transfer to the Capital Improvements Fund (301), where it is hereby appropriated.

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 the law.

SECTION 3. This Resolution is hereby declared to be 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; 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.

1<sup>st</sup> Reading: \_\_\_\_\_ 2<sup>nd</sup> Reading: \_\_\_\_\_ 3<sup>rd</sup> Reading: \_\_\_\_\_

Passed: \_\_\_\_\_

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

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

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

Approved: \_\_\_\_\_, 2021

\_\_\_\_\_  
Mayor

Introduced by: Mark Cavin

#8  
Rec. 2022-39

**Request for Agenda Item**

**Authorization for Bid**

**Purchase Capital Item**

**Non-Capital**

<b>Division</b> Fire Division	<b>Meeting Date Requested</b> 9-19-2022
<b>Project Name</b> Fire Station 1 Renovation	<b>Estimated Total Funds/Costs</b> \$2,500,000
<b>Is Full Amount Budgeted?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, three readings NOT REQUIRED	
<b>If No, How is the Purchase to be Funded?</b> Council authorization of additional capital improvement funds w/ Finance issuing short term bonds.	
<b>Description of Request</b> Fully fund the construction phase of the fire station renovation. The current design addresses the known deficiencies of the current fire station & incorporates functional space that enhances operational effectiveness and safety. It allows us to improve existing operations and plan for anticipated growth through the next 15 years.  Based on current construction and material estimated costs, the project is estimated to significantly exceed the original budget developed for FY2022.  Based on recent similar project bids and a construction cost index, the design team estimates the hard cost to be \$5,374,000. This includes a 10% construction contingency. An additional design contract modification through procurements and construction is \$295,470. A total design and hard cost estimate of \$5,669,470.  Soft cost to be included in O&M budgets in 23/24. \$2,500,000 additional funds needed to complete project	
<b>Justification / Benefits</b> Station #1 is adequately located but needs renovations to comply with Building Code & Fire Service Standards. Fire Station #1 has a poor design layout, extreme lack of space, and aging & deteriorating building infrastructure.  Additional funds are needed to complete the project, as supply chain issues and inflation costs have impacted previous estimates.	
<b>Will this Project affect the City's Operating Costs</b> No- Currently operating 3 stations.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> Not to fund project --> stay in facility that is not adequate for current operations. Delay funding --> result in additional cost increase(s) (COLA/Inflation).	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons Time line to get project finalized and out to bid in early 2023.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> B. Saley	<b>Date:</b> 9-13-2022

**Approved for Agenda**  Yes  No





*mull & weithman architects, inc.*

11 September 2022

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

Attn: Joel Montgomery, P.E. MSM, ICMA-CM

RE: Proposed Contract Modification for Professional Design Services for the  
Fire Station #1 Additions & Renovations Project

Joel,

The proposed Contract Modification would amend the Stipulated Sum in our original AIA B101-2017 Contract, dated 7/2/2021 with the City of Wooster. We are requesting this modification to the professional services compensation based on the currently defined project scope, as this will necessitate an increase in the design efforts for the project.

The Contract Modification Services fee listed below assumes typical design circumstances required for all the scope currently defined and reviewed with the Safety Committee on June 21, 2022. The projected Construction Cost reviewed at this meeting was \$ 5,373,088.00 As noted in our discussion on September 1<sup>st</sup>, based on the Soils Report (received after the estimate was completed) additional construction costs will likely be required, but should not affect the professional fees. The modified fee assumes one bid package and not a phased approach and/or extensive alternates, or separate projects.

We propose to furnish the Additional Services with progress payments billed monthly as percentages of each phase of services provided. The proportion of compensation for each phase of services is described in Article 11.5 of the Original Contract. Please see attached.

Original approved Contract Through Construction Documents	\$ 251,645.00
<u>Requested Contract Modification through Construction Documents</u>	<u>\$ 157,416.00</u>
<b>Total Fee through Construction Documents</b>	<b>\$ 409,061.00</b>
Requested Contract Modification for Procurement Services*	\$ 27,256.00
Total Requested Fee Modification (CD's + Procurement Services)	\$ 184,672.00
<b>Total Fee through Procurement Services</b>	<b>\$ 436,317.00</b>

It is anticipated that the Overall Basic Fee's for the project, based on currently defined project scope, from Programming through Project Completion is \$ 545,115.00. This is projected by the proportion of compensation for each phase, mentioned above. A final Contract Modification will be required for Construction Phase Services prior to the start of construction. These Services are currently estimated at \$ 108,798.00.

\*Procurement Services will be billed hourly, based on Mull & Weithman's Standard Hourly Rates established in the Original Contract, and will not exceed this lump sum amount without prior authorization.

### PRELIMINARY PROJECT SCHEDULE

1. Design Development – September 26 - November 28, 2022
2. Owner Review and Sign-off – November 28 - December 5, 2022
3. Construction Documents – December 5 - February 13, 2023
4. Owner Review and Sign-off – February 13 - February 20, 2023
5. Permit Submittal and Approval – February 15 - March 15, 2023
6. Procurement (Bidding) – March 15 - April 5, 2022
7. Contract Award – April 12, 2022
8. Construction – April 26, 2023 - April 26, 2024

Thank you again for this opportunity. We are very excited to see this project through to completion.

Should you have any questions, please feel free to call me to discuss. Thank you in advance.

Please sign and return a copy of this proposal at your earliest convenience, for our records and distribution.

Respectfully submitted,



Joe Weithman, AIA  
Mull & Weithman Architects, Inc.

Approved by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

ORDINANCE NO. 2022-24

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE WOOSTER GROWTH CORPORATION TO MAKE AN APPLICATION TO THE OHIO BROWNFIELD REMEDIATION PROGRAM ROUND II AND TO EXECUTE ALL DOCUMENTS THEREWITH ON BEHALF OF THE CITY OF WOOSTER TO EFFECT THE REMEDIATION OF THE PROPERTY KNOWN AS 517 E. LIBERTY STREET, WOOSTER, OHIO THROUGH THE OHIO EPA VOLUNTARY ACTION PROGRAM AND ACQUIRE THE PROPERTY, FOR IMMEDIATE ENACTMENT.

WHEREAS, The property known as 517 E. Liberty Street, Wooster, Ohio 44691 (Wayne County Parcel 64-01574.000 and 64-01575.000) "Project Site" is a Class C Brownfield site with groundwater pollution and soil excavation needs, the party responsible for the pollution release has been determined to be deceased, and after fifteen years the Project Site has become an attractive nuisance and disincentive to investment within Downtown; and

WHEREAS, The Ohio Department of Development has established a Brownfield Remediation Program and the Wooster Growth Corporation, as a community improvement corporation, is qualified to undertake work in conjunction with remediation of the Project Site through the Ohio EPA Voluntary Action Program in order to achieve a Covenant Not To Sue (CNS), and a written agreement is now required to affirm such an arrangement; and

WHEREAS, The Wooster Growth Corporation partnered with Michelin North America to obtain a lease-purchase agreement for the Project Site for the sum of \$10, authorizing demolition and remediation activities, with rights to purchase at any time during the lease term; and

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

SECTION 1. The Mayor, on behalf of the City of Wooster, is authorized to enter into an agreement with The Wooster Growth Corporation to effect the remediation and acquisition of 517 E. Liberty Street, Wooster Ohio (Wayne County Parcel 64-01574.000 and 64-01575.000). The terms shall include the following: (1) The Wooster Growth Corporation shall take all necessary action to ensure the Project Site is in the Ohio EPA Voluntary Action Program and conduct all remediation actions necessary to obtain a Covenant Not To Sue, (2) the Wooster Growth Corporation shall make an application to the Ohio Department of Development for its Brownfield Remediation Round II Program and execute all agreements and documents in connection therewith as is necessary to enable funding for remediation efforts.

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 is hereby declared to be 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 respond to the Ohio Department of Development's request in connection with the Brownfield Remediation Grant Program and to effect the remediation of a brownfield site in Downtown Wooster; 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: \_\_\_\_\_, 2022

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

Attest: \_\_\_\_\_

Clerk of Council

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

Approved: \_\_\_\_\_, 2022

\_\_\_\_\_  
Mayor

Introduced by: Scott Myers

### Request for Agenda Item

**Authorization for Bid**

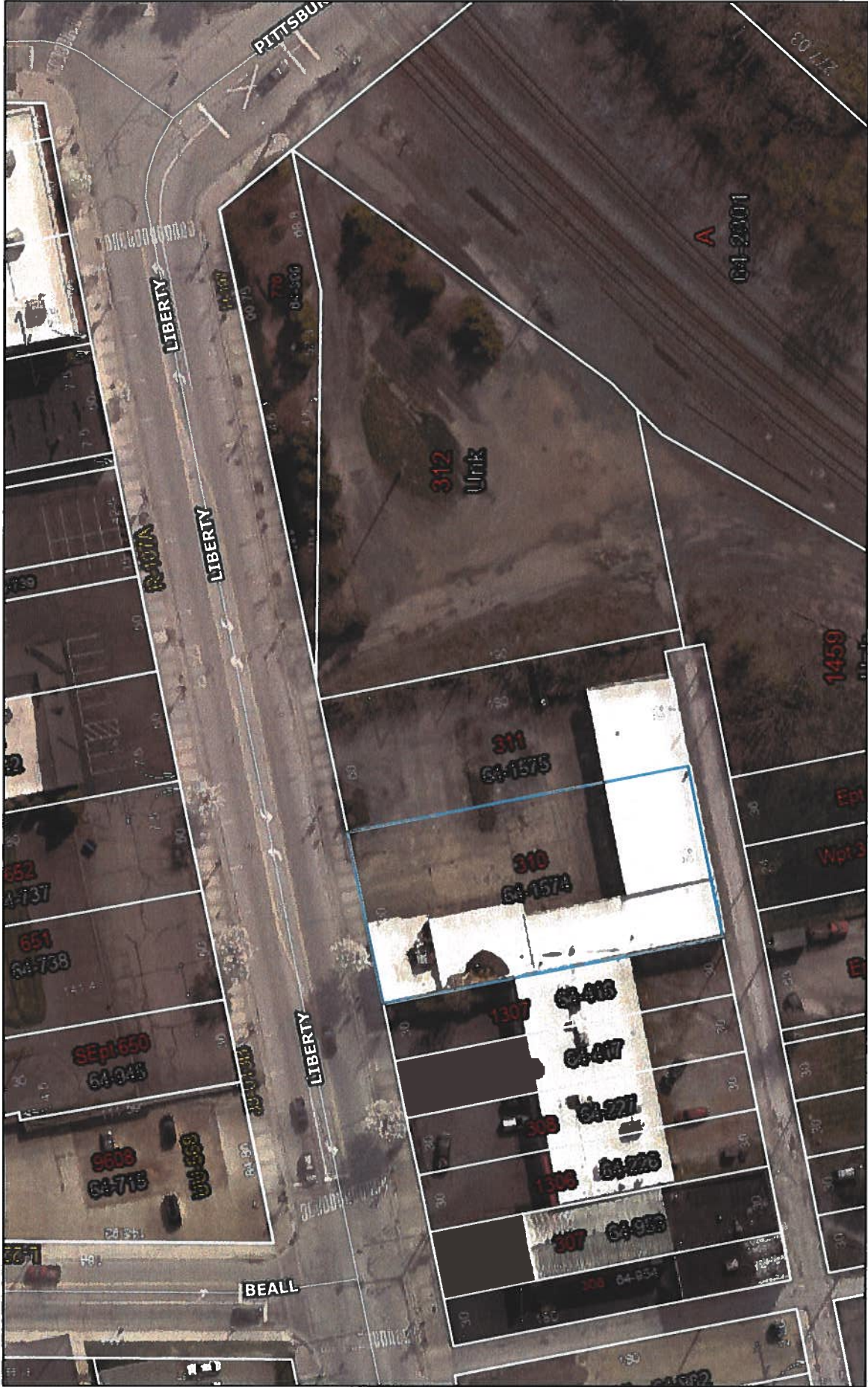
**Purchase Capital Item**

**Non-Capital**

<b>Division</b> Development	<b>Meeting Date Requested</b> September 19th, 2022
<b>Project Name</b> WG Service Agreement for DOD	<b>Estimated Total Funds/Costs</b> \$30K City \$920K tot.
<b>Is Full Amount Budgeted?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, three readings NOT REQUIRED	
<b>If No, How is the Purchase to be Funded?</b> Up to \$775K ODOD Brownfield Rnd II grant, \$115K Wooster Growth Funds, + in-kind staff time.	
<b>Description of Request</b> Requested is authorization for the Mayor, on behalf of the City, to enter into a service agreement with the Wooster Growth Corporation to effect the remediation of 517 E. Liberty Street (also known as "TCI"), a former auto-repair facility and known brownfield which has been abandoned for the past 15 years. The effort, at a possible cost of up to \$920K, would see the site leveled, groundwater remediated, certain soils excavated, and then surface prepared for future development with a repaired streetscape. The legislation affirms an application to the Ohio Department of Development's Brownfield Remediation Program Round II, which would fund the bulk of the work, and the execution of all agreements and documents in connection therewith, with the Wooster Growth Corporation managing the project. Wooster Growth will cover local match and additional costs, in the hopes of recovering most of these expenses with a future sale of the property to a developer committing to an economic development project. As with previous efforts, such as the Horn Nursing Home redevelopment project, Wooster City staff will provide technical assistance throughout the process.	
<b>Justification / Benefits</b> Staff recommends the proposal as 1.) Wooster Growth has a lease-purchase agreement in place and 2.) the Ohio Brownfield Remediation Rnd II is a unique one-time grant opportunity for site remediation, 3.) which would greatly advance the comprehensive and downtown plans, 4.) Wooster Growth is uniquely positioned to redevelop the site to better downtown economic development.	
<b>Will this Project affect the City's Operating Costs</b> This project will have a negligible impact on the City's operating costs. Wooster Growth assumes risk.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> Without participation, the community will be ineligible for Round II funding. This may greatly increase costs to Wooster Growth in redeveloping the site, and could altogether limit the site's cleanup and use.	
<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> Individual public infrastructure projects at Oak Hill will continue to follow normal approval processes. Individual developers may participate (fee waiver) with Council's approval of a development agreement.	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>If Yes, Note Reasons</b> Passage is necessary on Sept. 19th 2022 to meet a grant cure period deadline.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Jonathan Millea <span style="float: right;"><b>Date:</b> 9/15/2022</span>	

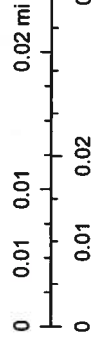
**Approved for Agenda**  Yes  No

# 517 E. Liberty, Wooster



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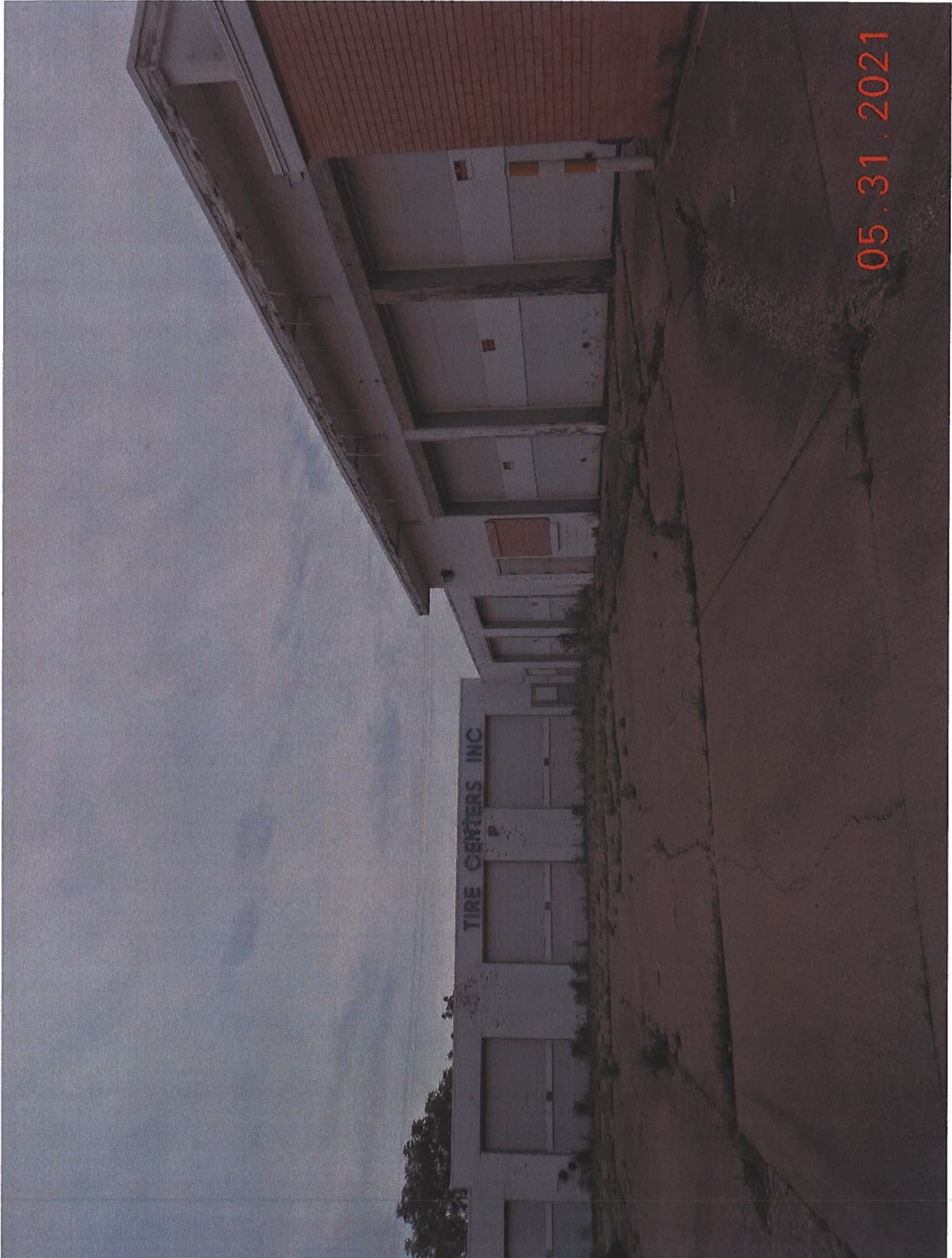
Enable Survey Download

Parcels

Municipal Boundary Outline

Road Right of Way





TIRE CENTERS INC

05.31.2021



ORDINANCE NO. 2022-25

CREATING THE OAK HILL TAX INCREMENT FINANCING INCENTIVE DISTRICTS; DECLARING IMPROVEMENTS TO THE PARCELS WITHIN EACH INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE AND EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THOSE SERVICE PAYMENTS; SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT BENEFIT OR SERVE PARCELS IN THE INCENTIVE DISTRICT; AND PROVIDING FOR COMPENSATION PAYMENTS

WHEREAS, the City's Office of Economic Development has studied the Oak Hill area in the City and prepared the Oak Hill Tax Incremental Financing Incentive District Economic Development Plan (the "Economic Development Plan") and this Council adopted the Economic Development Plan in Ordinance No. 2022-02, passed on February 22, 2022; and

WHEREAS, this Council desires to facilitate the development of residential subdivisions within the City in order to increase available housing options within the City as set forth in the Economic Development Plan (the "Project"); and

WHEREAS, in order to develop the Project, it is necessary to construct certain public infrastructure improvements; and

WHEREAS, this Council, pursuant to ORC Sections 5709.40, 5709.42 and 5709.43 (collectively, the "TIF Act"), is authorized to declare improvements to real property to be a public purpose, exempt those improvements from real property taxation, and require owners of the real property to make service payments in lieu of taxes in an amount equal to such exempted taxes; and

WHEREAS, to facilitate the development of the Project and pay the associated costs of the necessary public infrastructure improvements from service payments in lieu of taxes, this Council has determined to create the Oak Hill Incentive District #1, the Oak Hill Incentive District #2, the Oak Incentive District #3, the Oak Hill Incentive District #4, and the Oak Hill Incentive District #5 (each an "Incentive District" and collectively the "Incentive Districts") pursuant to the TIF Act, the boundaries of which shall be coextensive with the boundaries of, and will include, the parcels of real property within each Incentive District specifically identified and depicted in Exhibit A attached hereto (as currently or subsequently configured, the "Parcels", with each of those parcels referred to herein individually as a "Parcel"); and

WHEREAS, notice of this Ordinance has been provided to the (A) Boards of Education of the Wooster City School District and the Wayne County Schools Career Center and (B) the

Wayne County Board of County Commissioners, in accordance with and within the time periods prescribed in ORC Sections 5709.40 and 5709.83; and

WHEREAS, the Board of Education of the Wooster City School District has approved of this Ordinance at their April 26, 2022 meeting and executed a Revenue Sharing Agreement with the City dated as of April 26, 2022 (the "Revenue Sharing Agreement"), which Revenue Sharing Agreement is in the vital and best interest of the City and the School District and will improve the health, safety and welfare of the citizens of the City and the School District.

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

**SECTION 1. Incentive District Findings and Determinations; Creation of Incentive Districts.** This Council hereby: (i) accepts and adopts the City Engineer's certification to this Council and the City Engineer's findings set forth therein (a) that the public infrastructure serving the Incentive Districts is inadequate to meet the development needs of the Incentive Districts as evidenced by the Economic Development Plan, and (b) that each Incentive District and the related overlay area is less than 300 acres in size and enclosed by a contiguous boundary, (ii) finds and determines that the Project will place additional demand on the Public Infrastructure Improvements, (iii) finds and determines that the City sent written notice of the public hearing regarding this Ordinance by first class mail to each owner of real property within each proposed Incentive District at least 30 days prior to such hearing, which notice included a map of the proposed Incentive District as well as the overlay area required by ORC Section 5709.40(C)(2), (iv) finds and determines that this Council has not received a request from the owner of any real property within any proposed Incentive District to exclude that owner's property from the Incentive District, (v) finds and determines that notice of this Ordinance has been delivered to the (a) Wayne County Schools Career Center and (b) the Wayne County Board of County Commissioners, in accordance with and within the time periods prescribed in ORC Sections 5709.40 and 5709.83, and (vi) finds and determines that the City has not received an objection to this Ordinance from the Wayne County Board of County Commissioners within the time periods prescribed in ORC Section 5709.40. This Council further finds that the sum of the taxable value of real property in the Incentive Districts for tax year 2021 and the taxable value of all real property in the City that would have been taxable in tax year 2021 were it not for the fact that the property was in an existing incentive district and therefore exempt from taxation, does not exceed twenty-five percent of the taxable value of real property within the City for tax year 2021. Pursuant to the TIF Act, this Council creates the Incentive Districts, the boundaries of which are coextensive with the boundaries of, and include, the Parcels as depicted on Exhibit A attached hereto.

**SECTION 2. Public Infrastructure Improvements.** This Council designates the following public infrastructure improvements, together with any public infrastructure improvements hereafter designated by Ordinance, as public infrastructure improvements made, to be made or in the process of being made by the City that benefit or serve, or that once made will benefit or serve, the Parcels in each Incentive District (the "Public Infrastructure Improvements"): roadway improvements, water system improvements, sanitary sewer improvements, including one or more lift stations, storm drainage improvements, pedestrian

sidewalks, street lights, gas facilities, electrical facilities, and all appurtenances thereto. The costs of the improvements include but are not limited to those costs listed in ORC Section 133.15(B).

**SECTION 3. Life of Incentive Districts; Authorization of Tax Exemption.** The life of each Incentive District commences with the first tax year that begins after the effective date of this Ordinance and in which an Improvement attributable to a new structure would first appear on the tax list and duplicate of real and public utility property for any Parcel within the Incentive District were it not for the exemption granted in this Ordinance and ends on the earlier of (a) 30 years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Act (the “Incentive District Life”).

Pursuant to and in accordance with the provisions of ORC Section 5709.40(C), this Council hereby declares that the increase in assessed value of each Parcel subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the “Improvement,” as defined in ORC Section 5709.40(A)) is a public purpose and 100% exempt from taxation for the Incentive District Life for each applicable Incentive District.

**SECTION 4. Service Payments and Property Tax Rollback Payments.** Pursuant to ORC Section 5709.42, the owner of each Parcel is hereby required to make annual service payments in lieu of taxes with respect to the Improvement to that Parcel to the Wayne County Treasurer (the “County Treasurer”) on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes, including any penalties and interest at the then current rate established for real property taxes (collectively, the “Service Payments”), will be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if it were not exempt from taxation pursuant to Section 3 of this Ordinance. The Service Payments and any other payments with respect to each Improvement that are received by the County Treasurer in connection with the reduction required by ORC Sections 319.302, 321.24, 323.152 and 323.156, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the “Property Tax Rollback Payments”), will be deposited and distributed in accordance with Section 6 of this Ordinance.

**SECTION 5. TIF Fund.** This Council hereby establishes the Oak Hill Incentive District Municipal Public Improvement Tax Increment Equivalent Fund (the “TIF Fund”). The TIF Fund shall be maintained in the custody of the City and shall receive all distributions to be made to the City pursuant to Section 6 of this Ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement of each Parcel and so deposited pursuant to the TIF Act shall be used solely for the purposes authorized in the TIF Act and this Ordinance (as it may be amended or supplemented). The TIF Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any incidental surplus funds remaining therein transferred to the City's General Fund, all in accordance with the TIF Act.

**SECTION 6. Distribution of Funds.** Pursuant to the TIF Act, during the Incentive District Life for each Incentive District, the County Treasurer is requested to distribute all Service Payments and Property Tax Rollback Payments to the City, for further deposit into the TIF Fund. The City shall use all such amounts deposited into the TIF Fund as follows:

a. To pay each of the Wooster City School District and the Wayne County Schools Career Center an amount equal to 25% of the amount the school district would otherwise receive as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to each Parcel if the Improvement had not been exempt from taxation pursuant to this Ordinance. The City shall make such payments within 60 days of receiving such amounts from the County.

b. For payment of costs of the Public Infrastructure Improvements, including, without limitation, debt charges on any notes or bonds issued to pay or reimburse finance costs or costs of those Public Infrastructure Improvements.

Provided, once the City collects Service Payments, less any payments to the Wooster City School District and the Wayne County Schools Career Center, equal to the Total Cost Certification, as defined in the Revenue Sharing Agreement, plus any cost of issuing bonds and interest expense incurred by the City after the Total Cost Certification, the City shall notify the County Treasurer and request, pursuant to the TIF Act, that during the remainder of the Incentive District Life for each Incentive District the County Treasurer distribute the Service Payments and Property Tax Rollback Payments as follows:

a. To each of the Wooster City School District and the Wayne County Schools Career Center, an amount equal to the amount the school district would otherwise receive as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to each Parcel if the Improvement had not been exempt from taxation pursuant to this Ordinance.

b. To the City, all remaining amounts for further deposit into the TIF Fund for payment of costs of the Public Infrastructure Improvements, including, without limitation, debt charges on any notes or bonds issued to pay or reimburse finance costs or costs of those Public Infrastructure Improvements.

All distributions required under this Section are requested to be made at the same time and in the same manner as real property tax distributions. The City shall make any distributions to the extent not made by the County Treasurer.

**SECTION 7. Further Authorizations.** This Council further hereby authorizes and directs the Mayor, the Director of Finance and other appropriate officers of the City to take any other actions as may be appropriate to implement this Ordinance, including, without limitation, executing and delivering the Revenue Sharing Agreement to the Wooster City School District, and to deliver a copy of this Ordinance to the Ohio Department of Development. All previous actions taken by the Mayor and/or any other officer of the City in this regard are hereby ratified.

SECTION 8. Open Meetings. 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 9. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

Passed: \_\_\_\_\_, 2022

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

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

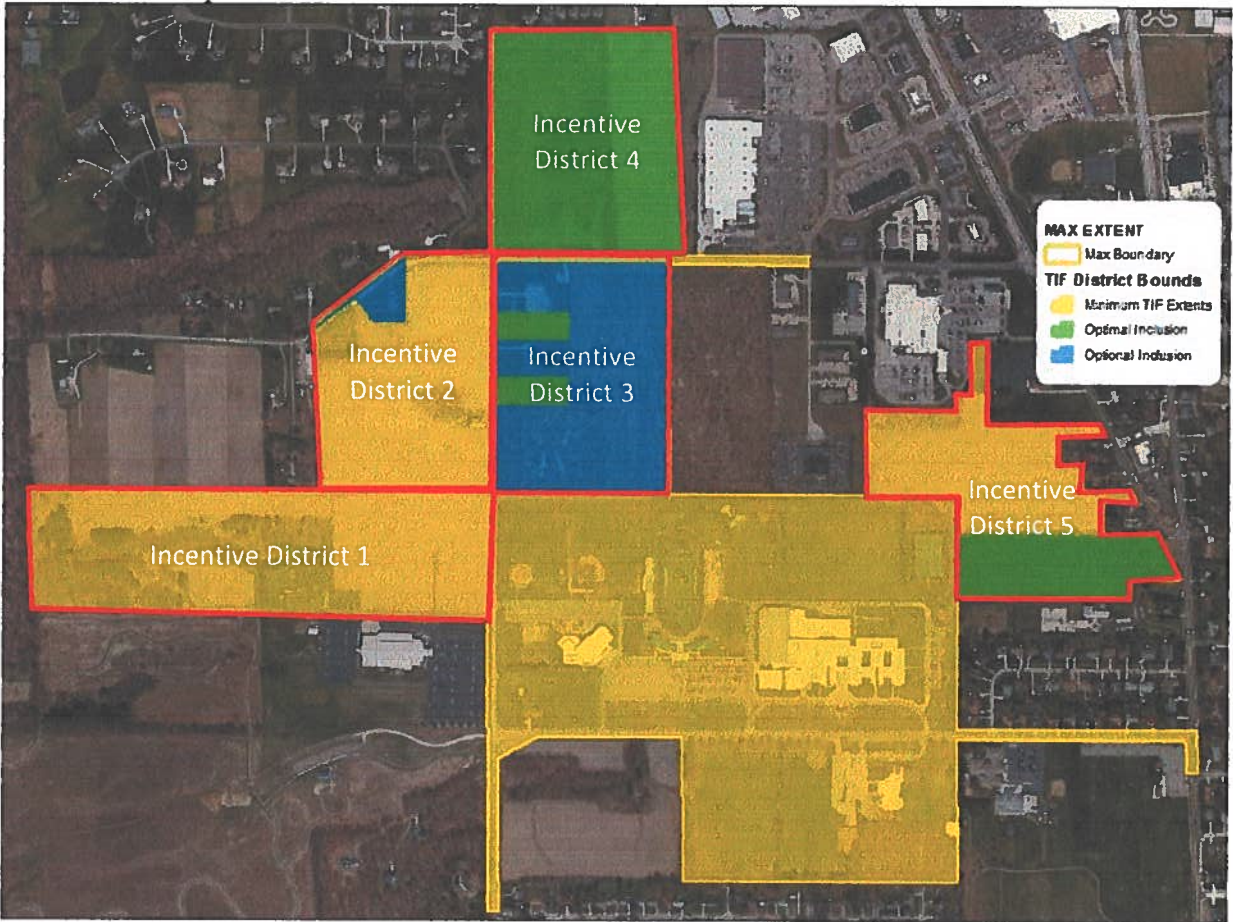
\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_, 2022

\_\_\_\_\_  
Mayor

Introduced by: Bob Reynolds

**EXHIBIT A**  
**Incentive Districts**



### Request for Agenda Item

**Authorization for Bid**

**Purchase Capital Item**

**Non-Capital**

<b>Division</b> Development	<b>Meeting Date Requested</b> September 19th, 2022
<b>Project Name</b> Oak Hill TIF Creation	<b>Estimated Total Funds/Costs</b> (\$8.4 MM)
<b>Is Full Amount Budgeted?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
<b>If No, How is the Purchase to be Funded?</b> Future redirected property tax revenues resulting from new private development within districts.	
<b>Description of Request</b> This request is for the creation of the Oak Hill Tax Increment Financing Incentive Districts (a total of 5) within the previously described area defined in the Economic Development Plan approved by Ord. 2022-02. Specifically, for a 30-year period, 100% new tax revenues created from any future development within the districts, otherwise payable to various taxing entities, will be redirected to a municipal public improvement tax increment equivalent fund. These redirected revenues will be used exclusively to pay for or reimburse the city's infrastructure costs, which include two roundabouts, road widening, and sanitary sewer extension. These improvements are necessary today for safety, and also to support the planned expansion of the Wooster City School Oak Hill campus and anticipated housing development. Also contained in the request is authorization for a compensation agreement with the Wooster City School District, in which the City will compensate the District 25% of the revenues it would have received, and then 100% once the certified costs of the installation of certain infrastructure improvements are recovered. TIF funds are now partly secured with the Spring Run Dev. Agreement.	
<b>Justification / Benefits</b> Staff recommends the proposal as it 1.) enables the creation of public infrastructure required for health and safety at present, 2.) supports an expanding Wooster City Schools campus and future housing development opportunities, with 91 homes and 320 apartments proposed, 3.) enables high-quality infrastructure, such as roundabouts with long-term savings, that could not otherwise be afforded.	
<b>Will this Project affect the City's Operating Costs</b> Redirects +\$7 MM in NEW taxes over time from future private development to fund new city public infrastructure.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> The City may pursue bonds to cover the expenses to be paid back through the general fund, reduce the scope of the project (which could result in longer-term costs i.e. signals vs roundabouts), or both.	
<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> Individual public infrastructure projects at Oak Hill will continue to follow normal approval processes. Individual developers may participate (fee waiver) with Council's approval of a development agreement.	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>If Yes, Note Reasons</b> Passage required not before Oct 7, 2022, nor after December 31, 2022	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Jonathan Millea	<b>Date:</b> 9/15/2022

**Approved for Agenda**  Yes  No



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

**Jonathan S. Millea, AICP, CEcD**  
Development Coordinator  
Phone (330) 263-5250  
Fax: (330) 263-5247  
Email: jmillea@woosteroh.com

5 August, 2022

Mr. Gabe Tudor - Superintendent  
c/o Board of Education  
Wooster City School District  
144 North Market St.  
Wooster, Ohio 44691

**Regarding: NOTICE of MODIFICATION of CRA 10-002 Agreement with Ed Howman (aka Merchants Block): Assignment Authorization for Residences ONLY, No Action Required**

Dear Mr. Tudor,

This letter is to notify the Wooster City School District Center Board of Education that the City of Wooster intends to consider **modifying** its existing 10-002 Community Reinvestment Area (CRA) agreement with **Ed Howman, an individual** (previously, this same agreement had been made with **Merchants Block LLC**), to allow a transfer of ownership and exemption for the residential units only located within the exempted structure. This agreement granted a **100%, 12-year** CRA tax exemption signature to support the creation of a new mixed-use three story building spanning 117- 147 W. Liberty and 101 - 139 N. Walnut in downtown Wooster. The City of Wooster also provided project financing, conducted site preparation and installed new streetscape and a public parking lot, and partnered with the government of Wayne County to utilized CDBG grant funds for additional public infrastructure.

The Wooster City School District Board of Education had previously met at a special session on August 17, 2010 to approve the real property tax exemption. As the project progressed, the residential units were ultimately established as single-family residential condominiums, reflected in the final agreement, and later sold to individual homebuyers.

To date, the agreement has *exceeded* its job commitment goals and met its original investment commitments, with the project supporting 12 residential units and several small businesses with 16 full-time equivalent jobs created. However, in March, the Wayne County Auditor's Office recommended to our Office that express written permission of assignment was necessary for the residential units, as these units are owned fee-simple by entities other than the Enterprise (Mr. Howman), because the exemption was not expressly defined as assignable within ¶16 of the actual CRA as signed, though contemplated in ¶1.

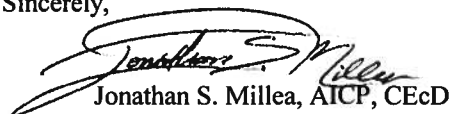
To correct this, Wooster City Council will consider legislation to adopt this proposal of transferring the existing CRA 10-002 agreement at its regular meeting on **Tuesday, September 6th 2022 at 7:30 pm**. Staff recommends the proposal as it is **1.** in keeping with the original intent of the project, **2.) does not change the level or durations of the actual exemption, 3.** and the Enterprise (Ed Howman) will remain responsible for maintaining the investment made at the Project Site, and for any penalty, up to and including clawback penalties, resulting from any future noncompliance, **regardless** of fee-simple ownership.

The correction is only to confirm that the condominium units are permitted continue receiving CRA treatment as they have previously. In 2021, the CRA had exempted **\$108,419** in real property taxes to support the project, a figure approximating what the community expect to earn annually once the agreement closes on **December 31, 2024**.

**No action is needed** from the Wooster City School District Board of Education, but we do welcome any questions or comments. As always, you or a designated representative are welcome to request a meeting with Wooster City Council to discuss the proposed transfer.

Please let us know if we may provide any additional information or answer any questions about the management of the Community Reinvestment Area Program. As always, we are happy to speak with you if you wish to discuss this matter in more detail. Our office may be reached at 330.263.5250. Thank you.

Sincerely,

  
Jonathan S. Millea, AICP, CEcD

Cc: Ms. Amy Welty, WCSD Treasurer



**MODIFICATION OF COMMUNITY REINVESTMENT AREA  
AGREEMENT WITH ASSIGNMENTS**

**THIS SECOND MODIFICATION OF COMMUNITY REINVESTMENT AREA AGREEMENT**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2022 by and between Mr. Edward D. Howman, an Ohio citizen, whose main office is located at 1409 Hunt Club Dr., Wooster, Ohio 44691 (hereinafter referred to as “Enterprise”), and the City of Wooster, a municipal corporation of Ohio, with its main offices located at 538 N. Market Street, Wooster, Ohio 44691 (hereinafter referred to as “City”).

**WITNESSETH**

**WHEREAS**, City entered into a certain Community Reinvestment Area Agreement (hereinafter referred to as “CRA”) with Merchants Block LLC dated December 21, 2010, by which the City agreed to grant certain tax incentives as an inducement (1) renovate a certain property located at 125 W. Liberty Street in Wooster and construct a mixed-use structure with first-floor commercial space and upper-floor residential space (Today comprising of Parcels 64-00528.002, 64-00528.003, 64-00528.004, 64-00528.005, 64-00528.006, 64-00528.007, 64-00528.008, 64-00528.009, 64-00528.010, 64-00528.011, 64-00528.012, 64-00528.013, 64-00528.014, 64-00528.015, 64-00528.016, 64-00528.017, 64-01687.001, 64-01687.002, 64-01687.003, 64-01687.004, 64-01687.005, 64-01687.006, 64-01687.007, 64-01687.008, 64-01687.009, and 64-01687.000, together the “Project Site”); and (2) create certain levels of employment in connection therewith; with such tax incentives to continue for a period of twelve (12) years (a copy of said CRA is attached hereto and incorporated herein by reference); and

**WHEREAS**, Wooster City Council, by the adoption of Ordinance No. 2016-35, adopted on December 5, 2016, consented to the assignment of the CRA from Merchants Block LLC to Enterprise, in accordance with ¶16 of the CRA; and

**WHEREAS**, the Wayne County Auditor’s Office recommended on March 2, 2022 that express written permission of assignment was necessary for certain residential units, as said units are owned fee-simple by entities other than Enterprise, as contemplated in ¶1 of the CRA, but not expressly defined as assignable within ¶16 of the CRA; and

**NOW, THEREFORE**, in consideration of the foregoing, and of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties hereto agree as follows:

**SECTION 1.** City consents to the transfer of fee-simple ownership of the following single-family residential portions of the Project Site through the duration of the exemption period, with this amendment serving as written approval of City of assignment: 64-01687.004 (123 N. Walnut St., Wooster, Ohio 44691. Howman Edward), 64-01687.003 (121 N. Walnut St., Wooster, Ohio 44691. Howman Edward), 64-01687.002 (119 N. Walnut St., Wooster, Ohio 44691. Zanny Joan D), 64-01687.001 (117 N. Walnut St., Wooster, Ohio 44691. Howman Edward), 64-00528.009 (115 N. Walnut St., Wooster, Ohio 44691. Condor Pacific Properties LLC), 64-00528.008 (113 N. Walnut St., Wooster, Ohio 44691. Unit R 113 LLC), 64-00528.007 (111 N. Walnut St., Wooster, Ohio 44691. Howman Edward), 64-00528.006 (109 N. Walnut St., Wooster, Ohio 44691. Styer Donald J II & Stacey A Miller S/T), 64-00528.005 (107 N. Walnut

St., Wooster, Ohio 44691. Matthew Steven Clay), 64-00528.004 (105 N. Walnut St., Wooster, Ohio 44691. Schneider Teresa A), 64-00528.003 (103 N. Walnut St., Wooster, Ohio 44691. Howman Edward), 64-00528.002 (101 N. Walnut St., Wooster, Ohio 44691. Howman Edward). The City reserves the right to modify, terminate, and claw-back upon tax exemption for any and all property within Project Site for noncompliance with the City of Wooster Building Code or City of Wooster Zoning Code, in accordance with ¶9 of the CRA. City shall file a Notice of CRA Tax Exemption Agreement on the aforementioned parcels with the Wayne County Records Office and invoice Enterprise for any costs incurred. This provision does not apply to any other parcel comprising the Project Site, which shall comply with ¶16 of the CRA.

**SECTION 2.** Enterprise agrees that it remains responsible for maintaining the investment made at the Project Site, and for any penalty, up to and including clawback penalties, resulting from noncompliance, regardless of fee-simple ownership.

**SECTION 3.** Enterprise acknowledges Ohio Revised Code 5709.633 prohibits relocation of existing jobs from any other Ohio location to the Project Site without prior written consent from the Ohio Department of Development. This provision does not apply to existing Ohio jobs which are relocated and then replaced within the affected location. Enterprise must coordinate with City at least 60 days prior to any job relocation to obtain necessary waivers from Ohio Department of Development, which are not guaranteed, or written approval through City's legislative authority, which is not guaranteed.

**SECTION 4.** Enterprise agrees to indemnify and hold harmless City from all lawful claims, judgements, penalties, attorneys' and consultants' fees, and/or liabilities arising out of, involving, or in connection with this Enterprise Zone Agreement and/or this amendment.


**SECTION 5.** All other terms of the Agreement dated December 21, 2010, as amended December 30, 2016, shall remain the same.

**IN WITNESS WHEREOF**, the City of Wooster, Ohio, by Robert F. Breneman, its Mayor, pursuant to Ordinance No. 2022-\_\_\_\_, has caused this instrument to be executed this \_\_\_\_ day of \_\_\_\_\_ 2022 and Edward D. Howman, a sole proprietor, has caused this instrument to be executed on this \_\_\_\_ day of \_\_\_\_\_ 2022.

**CITY OF WOOSTER, OHIO**

by \_\_\_\_\_  
Robert F. Breneman  
Mayor

**MR. EDWARD D. HOWMAN**

by   
Edward D. Howman  
Sole Proprietor

Approved as to form: \_\_\_\_\_  
John Scavelli, Attorney at Law  
538 N. Market Street  
Wooster, Ohio 44691  
Tel. 330-263-5248 / Fax 330-263-5247



**CRA**  
#169-86548-01

CRA#: 169-86548-01

Ed Howman (Transferred from Merchants Block LLC in 2016)

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

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

Agreement 10-002

Execution: 12/21/2010

Expiration: 12/31/2024

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

School District: Wooster City School District

**Status**  
Transfer  
Required

July 6, 2022



	Commitment:	As of		As of		As of		As of		As of		As of		As of		As of		As of								
		12/2007	12/2008	12/2009	12/2010	12/2010	12/2011	12/2012	12/2012	12/2013	12/2013	12/2014	12/2014	12/2015	12/2015	12/2016	12/2016	12/2017	12/2017	12/2018	12/2018	12/2019	12/2019	12/2020	12/2020	12/2021
Property:	\$6,020,000	-	-	-	-	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000
Exemption:	\$6,020,000	-	-	-	-	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000
Personal:	\$0	-	-	-	-	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Jobs:	6	-	-	-	-	0	0	0	0	2	2	2	2	2	8	14	17	17	19	19	27	27	27	27	19	16
Total Payroll:	\$92,000	-	-	-	-	\$0	\$0	\$0	\$0	\$293,347	\$293,347	\$293,347	\$293,347	\$297,465	\$558,419	\$689,500	\$689,500	\$745,500	\$745,500	\$932,000	\$932,000	\$932,000	\$932,000	\$671,000	\$592,000	
New Jobs:	6	-	-	-	-	0	0	0	0	2	2	2	2	8	14	17	17	19	19	27	27	27	27	19	16	
New Payroll:	\$92,000	-	-	-	-	\$0	\$0	\$0	\$0	\$293,347	\$293,347	\$293,347	\$297,465	\$558,419	\$689,500	\$689,500	\$745,500	\$745,500	\$932,000	\$932,000	\$932,000	\$932,000	\$671,000	\$592,000		
Saved Jobs:	0	-	-	-	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Saved Payroll:	\$0	-	-	-	-	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Incentive Impacts:	2008 Pay		2009 Pay		2010 Pay		2011 Pay		2012 Pay		2013 Pay		2014 Pay		2015 Pay		2016 Pay		2017 Pay		2018 Pay		2019 Pay		2020 Pay		2021 Pay		2022 Est*		Project Totals	
	2009	2010	2010	2011	2011	2012	2012	2013	2013	2014	2014	2015	2015	2016	2016	2017	2017	2018	2018	2019	2019	2020	2020	2021	2021	2022	2022	2023	2023	2024	2024	
Real Taxes Paid	-	-	-	\$3,630	\$4,125	\$4,125	\$4,218	\$4,218	\$307	\$307	\$307	\$11,729	\$11,729	\$8,939	\$9,184	\$9,184	\$9,104	\$11,022	\$11,022	\$11,407	\$11,407	\$12,429	\$12,429	\$12,854	\$12,854	\$12,854	\$12,854	\$12,854	\$12,854	\$87,282		
Real Taxes Foregone	-	-	-	-	-	-	-	-	\$45,290	\$45,290	\$45,290	\$81,818	\$81,818	\$101,932	\$105,390	\$105,390	\$103,556	\$107,246	\$107,246	\$102,438	\$102,438	\$102,217	\$102,217	\$108,419	\$108,419	\$108,419	\$108,419	\$108,419	\$108,419	\$858,305		
Personal Taxes Paid	-	-	-	-	-	-	-	-	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Personal Taxes Foregone	-	-	-	-	-	-	-	-	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	

**Previous Compliance**  
The Tax Incentive Review Council last reviewed this CRA agreement on November 29, 2021, when it recommended the continuation of the agreement, which was approved by Wooster City Council.

**Summary**  
Merchants Block, a historic redevelopment project in Downtown undertaken by Washington Properties, finished construction in 2013 on the former site of the Freedlander's Department Store, bringing 10,000 square feet of retail space and 12 new residential condominiums (retailing ~275K in 2019). Through 2020, the space supported Jimmy Johns, Basil Asian Bistro, Motts Oils, Welcome Home Realty. Most recently, the space welcomed Whipt Dalgona Coffee and Boba Bowl. Parcels: 64-01687.000, 64-01687.001, 64-01687.002, 64-01687.003, 64-01687.004, 64-01687.005, 64-01687.006, 64-01687.007, 64-01687.008, 64-01687.009, 64-00528.002, 64-00528.003, 64-00528.004, 64-00528.005, 64-00528.006, 64-00528.007, 64-00528.008, 64-00528.009, 64-00528.010, 64-00528.011, 64-00528.012, 64-00528.013, 64-00528.014, 64-00528.015, 64-00528.016, 64-00528.017. The site and CRA transferred to a new owner, Ed Howman, from the original developer, Merchants Block LLC, in 2016. The project continued to exceed commitments in 2021. In 2022, the Wayne County Auditor's Office advised that written approval was necessary to continue accommodating residential units (which have transferred but remain subject to an HOA) with CRA treatment. Staff recommends a modification to permit extension of CRA treatment to all maintenance and employment requirements.

The Board of Education of the Wooster City School District met in \_\_\_\_\_ session on April 26, 2022, commencing at 7:00 o'clock p.m., at Wooster High School, Wooster, Ohio, with the following members present:

Mrs. L. Sue Herman Mrs. Danielle Schantz  
Dr. Michael Kropic Mrs. Jody Starcher  
Mr. Ryan Kurma

The Treasurer advised the Board that the notice requirements of Section 121.22, Ohio Revised Code, were complied with for the meeting.

Dr. Kropic moved the adoption of the following resolution:

A RESOLUTION APPROVING REAL PROPERTY TAX EXEMPTIONS IN CONNECTION WITH THE PROPOSED DEVELOPMENT OF PROPERTY IN THE AREA KNOWN AS OAK HILL AND LOCATED IN THE CITY OF WOOSTER, AUTHORIZING EXECUTION AND DELIVERY OF A REVENUE SHARING AGREEMENT IN CONNECTION WITH THOSE REAL PROPERTY TAX EXEMPTIONS AND APPROVING CERTAIN RELATED MATTERS.

WHEREAS, the City of Wooster (the "City") desires to enable the development of real property located in the Oak Hill area in the vicinity of the School District's High School Campus as shown on the map attached hereto as Exhibit A (the "Property") and as more fully described in the Oak Hill Tax Incremental Financing Incentive District Economic Development Plan (the "Plan") adopted by the City.

WHEREAS, the City, under the authority of Section 5709.40 of the Ohio Revised Code, expects to adopt one or more ordinances to exempt the Property from 100% of the real property taxes that would be due if not for the exemption provided by the ordinance for a period of 30 years (the "TIF Exemption").

WHEREAS, the City and the School District will derive substantial and significant benefits from the development of the Property and the construction of the public infrastructure improvements contemplated by the Plan (the "Public Infrastructure Improvements").

WHEREAS, the City and the School District have negotiated a Revenue Sharing Agreement in connection with the Property whereby in exchange for the School District's approval of the TIF Exemption, the School District will receive (i) the City's best efforts to construct certain Public Infrastructure Improvements, as defined in the Revenue Sharing Agreement and described in the Plan, (ii) an amount equal to twenty-five percent (25%) of the real property taxes that would have been distributed to the School District but for the TIF

Exemption, which will increase to one hundred percent (100%) upon repayment of the costs of the Public Infrastructure Improvements to the City, and (iii) a waiver of tap fees for sanitary service lines constructed as part of the Public Infrastructure Improvements;

WHEREAS, this Board supports the economic growth of our City and the additional revenue to this School District that will result from the development of the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Wooster City School District, Wayne County, State of Ohio, that:

Section 1. This Board hereby (i) waives any notice or certification requirements of Ohio Revised Code Sections 5709.40, 5709.82 or 5709.83 with respect to the TIF Exemption, and the passage of the ordinances approving the TIF Exemption, (ii) subject to the City's execution and delivery of the Revenue Sharing Agreement between the City and the School District substantially in the form now on file with the Treasurer, approves the TIF Exemption, (iii) accepts payment and other consideration pursuant to the terms of the Revenue Sharing Agreement as the sole consideration to be received by the School District in connection with the TIF Exemption, and (iv) waives all other rights to payments in connection with the TIF Exemption, including, without limitation, the requirements of Ohio Revised Code Section 5709.82.

Section 2. The President and Treasurer of this Board and the Superintendent of this School District are each authorized and directed to execute and deliver to the City the Revenue Sharing Agreement in substantially form now on file with the Treasurer, together with any changes to such form as are approved by those officers as being consistent with this resolution and not substantially adverse to the School District, and to execute and deliver any other agreements and to take all other actions and do all other things necessary and consistent with this resolution in order to accomplish the purposes of this resolution.

Section 3. The Treasurer is authorized and directed to promptly certify a copy of this resolution to the City. This Board acknowledges that the City will rely on this resolution when granting the TIF Exemption and this Board agrees it will not repeal or modify this resolution without the prior written approval of the City.

Section 4. This Board hereby finds and determines that all formal actions of this Board and any of its committees concerning and relating to the adoption of this resolution were taken in an open meeting of this Board or its committees and that all deliberation of this Board and of any of its committees that resulted in those formal actions were in meeting open to the public, in compliance with law.

Section 5. This resolution shall be in full force and effect from and immediately upon its adoption.

Mrs. Donn. Schartz seconded the motion.

Upon roll call on the adoption of the resolution, the vote was as follows:

Mrs. Herman Yea Ms. Schantz Yea  
Dr. Knapic Yea Mrs Starcher Yea  
Mr. Kurma Yea

TREASURER'S CERTIFICATION

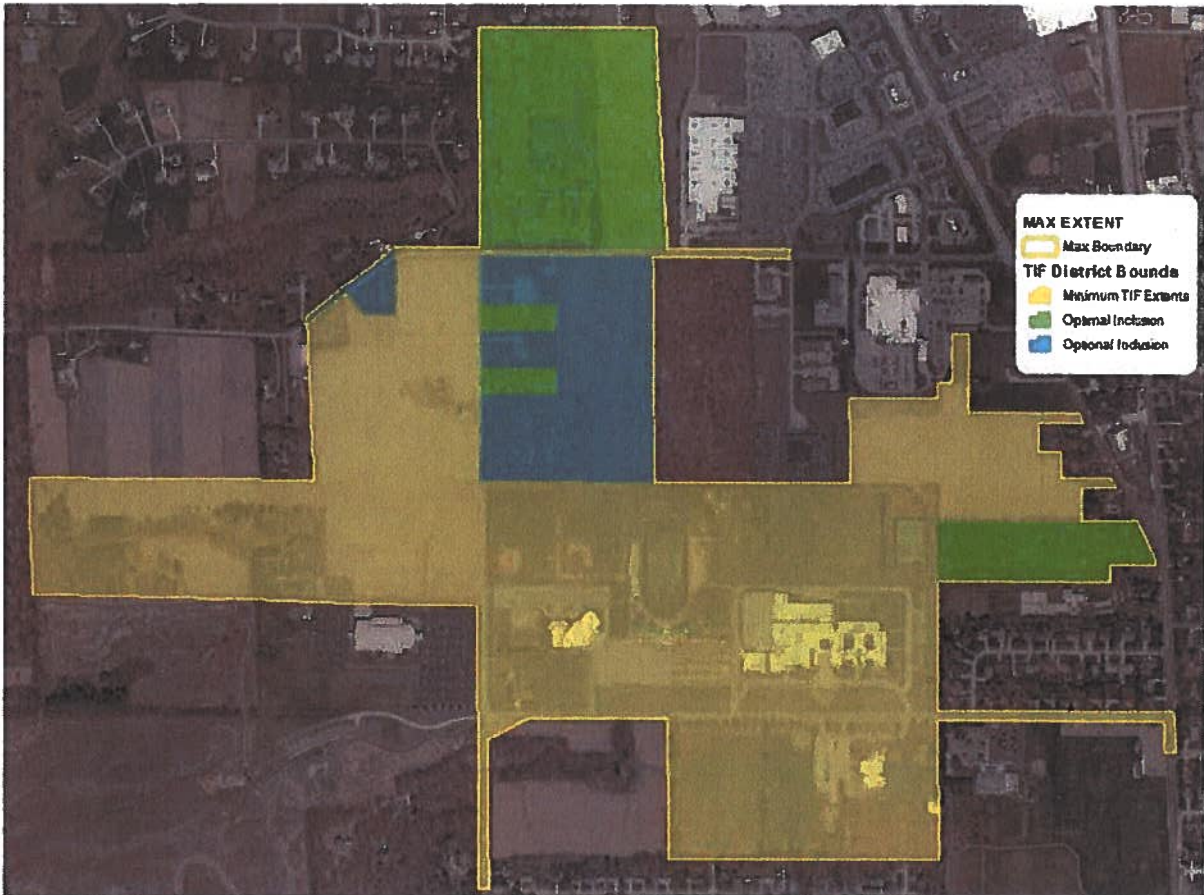
The foregoing is a true and correct excerpt from the minutes of the regular meeting on April 26, 2022, of the Board of Education of the Wooster City School District, showing the adoption of the resolution hereinabove set forth.

Dated: May 17, 2022

  
\_\_\_\_\_  
Treasurer, Board of Education  
Wooster City School District, Ohio

## Exhibit A

The Property consist of the area below outlined in yellow.



In no way limiting the foregoing, on January 19, 2022, the Parcels fully contained the parcels known as 53-00030.000, 53-00030.001, 53-01312.000, 53-01518.000, 53-01859.004, 53-01859.005, 53-01859.006, 53-001859.007, 53-01859.008, 53-01918.000, 53-01918.001, 53-01918.002, 53-01919.000, 67-00234.000, 67-00236.000, 67-02515.000, 67-02873.000, 67-02914.000, 67-02967.000, 73-00013.000, and including right of way, measuring approximately 275.443 acres







**CITY OF WOOSTER**  
538 N. Market Street  
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Wooster, Ohio 44691-7082

**Andrei A. Dordea, CPA**  
Director of Finance  
Phone: (330) 263-5225  
Fax: (330) 263-5262  
Email: adordea@woosteroh.com  
Mobile: (330) 845-0130

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## Memorandum

**To:** Wooster City Council  
**CC:** Mayor Breneman, Clerk of Council DePaulo, Director Montgomery, Director Scavelli  
**From:** Andrei Dordea  
**Date:** 9/16/2022  
**Re:** 2022 Appropriation Amendment

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I am asking to reduce the appropriations in the COVID-19 Fund to be reappropriated in the American Recovery Plan Act Fund (ARPA).

During budget preparation last year, I thought it would be practical to re-use an existing fund relating to receipt and expenditure of Covid relief funds (CARES Act, fund name: COVID-19). However, the guidance requires a new fund. This amendment will accomplish this.

This change will result in a net zero effect on the total 2022 Appropriations Budget.

Please feel free to reach out to me if you have any questions or require additional information.

Thank you!!

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