

WOOSTER CITY COUNCIL AGENDA

May 19, 2014

7:30 p.m.

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

I. ROLL CALL & ORDERING OF AGENDA

II. APPROVAL OF MINUTES

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

V. COMMITTEE REPORTS; PUBLIC HEARINGS

VI. OLD BUSINESS

1. Second Reading – RESOLUTION NO. 2014-30 A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE WOOSTER TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AND COMMUNITY REINVESTMENT ACT AGREEMENTS (Ansel)

VII. NEW BUSINESS

1. First Reading – ORDINANCE NO. 2014-17 AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Ansel)

2. First Reading – ORDINANCE NO. 2014-18 AN ORDINANCE AMENDING CHAPTER 743, TAXICABS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO (Knapic)

3. First Reading – RESOLUTION NO. 2014-31 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PARTNERSHIP AGREEMENT WITH WAYNE COUNTY FOR MAKING AN APPLICATION TO THE OHIO DEVELOPMENT SERVICES AGENCY FOR A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FOR COMMUNITY HOUSING IMPACT AND PRESERVATION (CHIP) FUNDS, AND DECLARING AN EMERGENCY (Ansel)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

RESOLUTION NO. 2014-30

A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE WOOSTER TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AND COMMUNITY REINVESTMENT ACT AGREEMENTS

WHEREAS, the state's Enterprise Zone law provides that annually the legislative authority, upon receipt of the written recommendations of the municipal tax incentive review council (TIRC), must vote to accept, cancel or modify all or any part of the TIRC's recommendations as to existing enterprise zone (EZ) and community reinvestment act (CRA) agreements for the past year; and

WHEREAS, the Wooster TIRC, after issuance of the statutorily-required public notice, met on April 30, 2014, and after reviewing existing city EZ and CRA agreements coming within its jurisdiction as of December 31, 2013, has recommended that all such agreements should be continued in effect.

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

SECTION 1. This City Council, after reviewing the recommendations of the Wooster TIRC (as per the letter attached hereto) as to existing EZ and CRA agreements coming within its jurisdiction, hereby indicates its acceptance and adoption of such recommendations.

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

SECTION 3. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

1st reading 5-5-14 2nd reading _____ 3rd reading _____

Passed: _____, 2014 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2014
Mayor

Introduced by: Jon Ansel

**Request for Agenda Item
Non-Capital**

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

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

The 2013 City of Wooster's Tax Incentive Review Council convened on April 30, 2014 at 3:00pm to review the performance of each active 2013 Enterprise Zone and Community Reinvestment Area agreement. Based on each participating company's compliance, the TIRC decides whether to recommend Continuation, Modification, or Termination of agreements to Wooster City Council. Please find the TIRC's recommendation for each active agreement for 2013 on the attached memo.

In summary, for 2013, the City of Wooster had 34 agreements generating \$61,761,000 in property investments and the creation or retention of 2,056 jobs with \$39,463,000 in payroll. In foregoing \$2,107,019 in property taxes, \$1,712,911 was generated in property taxes before any of the abatements have even expired, in addition to gaining \$394,463 in City income taxes.

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

Ohio Revised Code 5709.85 requires that City Council, within sixty-days (60) after receipt of the aforementioned recommendations, hold a meeting to accept, reject, or modify all of any portion of the recommendations.

Manager Requesting

Date

Approved for Agenda

Res # 30



Jonathan S. Millea, AICP
Development Coordinator
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Email: jmillea@woosteroh.com

MEMO

To: Members of Council
From: Jonathan Millea, Development Coordinator
CC: Director of Administration, Director of Law, Director of Finance
Date: 5/1/2014
Re: Recommendations from the 2013 Tax Incentive Review Council

Dear Members of Wooster City Council,

The Wooster Tax Incentive Review Council's met April 30th, 2014 at 3:00pm at Wooster City Hall to review the compliance of each recipient of a tax exemption under the City's Enterprise Zone and Community Reinvestment area for the year ended 2013.

In 2013, the City of Wooster had 12 active Enterprise Zone Agreements which had resulted in over \$38,900,000 in real property investments and the creation or retention of 1,851 positions with a payroll of \$31,463,000. While \$394,745 in property taxes were abated, \$342,396 in property taxes were generated along with an additional \$314,000 in income taxes.

The City of Wooster also had 22 commercial Community Reinvestment Area agreements in 2013, securing \$22,861,000 in property investment while retaining and creating a total of 205 jobs with an estimated \$8,000,000 annual payroll. The program has allowed for \$69,069 in tax savings for businesses, however the tax retention or gains for the projects amounted to \$137,364 with another \$80,000 gained in income taxes.

Recommendations were made as followed:

Enterprise Zone Agreements

- 389-04-01 - TECHNIGRAPHICS INC. ET. AL. – Recommended 6-0 to **CONTINUE**
- 389-05-01 - United Titanium Inc. – Recommended 7-0 to **CONTINUE**
- 389-06-01 - Eldorado Stone LLC & Chesterland Estates – Recommended 7-0 to **CONTINUE**
- 389-06-03 - Westerman, Inc. – Recommended 7-0 to **CONTINUE**
- 389-06-04 - COMPAK Inc. – Recommended 7-0 to **CONTINUE**
- 389-07-01 - Bosch Rexroth Corporation & Chesterland Estates – Recommended 7-0 to **CONTINUE**
- 389-08-01 - TECHNIGRAPHICS INC. ET. AL. – Recommended 6-0 to **CONTINUE**
- 389-12-01 - Seaman Corporation – Recommended 7-0 to **CONTINUE**
- 389-12-02 - ABS Materials – Recommended 6-0 to **CONTINUE**
- 389-13-01 - Luk USA – Recommended 7-0 to **CONTINUE**
- 389-13-02 - McConnell Wooster Properties LLC dba Bauer Corporation – Recommended 7-0 to **CONTINUE**

Community Reinvestment Area Agreements

- 05-001 - Wooster Republican Printing Company – Recommended 7-0 to **CONTINUE**
- 06-001 - Michael R. Rose – Recommended 7-0 to **CONTINUE**
- 06-002 - Liberty Market Properties LLC – Recommended 7-0 to **CONTINUE**
- 06-003 - HAYNN Construction Inc. – Recommended 7-0 to **CONTINUE**
- 06-004 - Coyote Group LLC – Recommended 7-0 to **CONTINUE**
- 06-005 - Gold Star Holdings, LLC – Recommended 7-0 to **CONTINUE**
- 07-001 - 544 LLC – Recommended 6-0 to **CONTINUE**
- 07-002 - CCM Real Estate LLC – Recommended 7-0 to **CONTINUE**
- 07-003 - Coyote Group LLC – Recommended 7-0 to **CONTINUE**
- 07-004 - Liberty Market Properties – Recommended 7-0 to **CONTINUE**
- 07-005 - S Properties LLC – Recommended 6-0 to **CONTINUE**
- 07-006 - MRR Properties – Recommended 7-0 to **CONTINUE**
- 10-001 - Coyote Group LLC – Recommended 7-0 to **CONTINUE**
- 10-002 - Merchants Block LLC – Recommended 7-0 to **CONTINUE**
- 11-001 - CM Properties-Wooster LLC – Recommended 7-0 to **CONTINUE**
- 12-001 - Brasfond USA Corp. – Recommended 7-0 to **CONTINUE**
- 12-002 - Just Basic Sports, Inc. and Retail Rentals LLC – Recommended 7-0 to **CONTINUE**
- 12-003 - S & D Realty, LLC – Recommended 6-0 to **CONTINUE**
- 12-004 - G&G Properties of Ohio – Recommended 7-0 to **CONTINUE**
- 13-001 - Condor Pacific Properties, dba Gomoplast Machinery – Recommended 6-0 to **CONTINUE**
- 13-002 - Palm House Apartments II, LLC – Recommended 7-0 to **CONTINUE**
- 13-003 - Xcess Limited – Recommended 7-0 to **CONTINUE**

The **2014 Tax Incentive Review Council Meeting** was tentatively scheduled for Wednesday, 3:00pm April 29th, 2014.

Ohio Revised Code 5709.85 requires that City Council, within sixty-days (60) after receipt of the aforementioned recommendations, hold a meeting to accept, reject, or modify all of any portion of the recommendations. Please feel free to contact us anytime with any questions or if we can provide further detail. (My office phone is 330.263.5250, and you may also call me anytime via cell at 330.439.3339.) Thank you.

Sincerely,

Jonathan Millea, AICP

Development Coordinator

**Request for Agenda Item
Non-Capital**

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

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

As a result of the severe winter, we have an abnormal amount of pot-holes and road damage. The maintenance department is embarking on a tactical program of milling and paving small sections of roads. We are outsourcing the milling and paving. Since each of the repair jobs is under \$10,000 (our capital threshold) it will be expensed from the Maintenance operating budget. We did not anticipate these type of repairs, and did not budget them in the operating budget. We budgeted paving monies in the capital projects fund for large (over \$10,000) paving jobs.

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

It would be helpful so we can get this work completed as soon as possible.

Manager Requesting

Date

Approved for Agenda

CHAPTER 743
Taxicabs

743.01	Definition.	743.07	Posting of rates in vehicle.
743.02	Taxicab and taxi driver's licenses required.	743.08	Taxi driver's license.
743.03	Annual taxicab license fee.	743.09	Display of taxi driver's license.
743.04	Issuance of taxicab license.	743.10	Suspension of taxicab or taxicab driver's license.
743.05	Taxicab reserved standing or parking places.	743.11	Appeal of license suspension.
743.06	Identification of taxicabs.	743.99	Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.22, 715.66
Power to establish stands and fix rates - see Ohio R.C. 715.25;
TRAF. 305.04 (1)
Chauffeur's license not required - see Ohio R.C.. 4501.01
Operation by minor prohibited - see Ohio R.C. 4507.321
Operation and equipment - see TRAF. CODE
Use of taxicab and bus stands - see TRAF. 351.10

743.01 DEFINITION.

Unless otherwise expressly stated, when used in this chapter the following terms shall have the meanings provided in this section:

- (a) "City" shall mean the City of Wooster, Ohio.
- (b) "Director" shall mean the Director of Administration of the City of Wooster or his/her designee.
- (c) "Street" means any public street, alley or public way within the corporate limits of the City of Wooster.
- (d) "Taxicab company" means every corporation, company, association, joint stock association, person, firm or partnership, their lessees, trustees, receivers or trustees appointed by any court, owning, controlling, operating, maintaining or managing one or more taxicabs within the City of Wooster.
- (e) "Taxi" or "Taxicab" means any motor driven vehicle engaged in the business of carrying passengers for hire or fare or offered for hire or fare (including the solicitation or acceptance of donations) to the public for transportation, operating within the City of Wooster, except motor buses on regular schedules and other regularly established routes.
- (f) "Taxi driver" means any person who drives or operates a taxicab for hire or fare and who is in actual physical control of a taxicab on the streets of the City of Wooster.
- (g) "Taxicab stand" means any portion of the street and curb space set apart for and designated as space for the standing of taxicabs in conformity with provisions of this chapter.

743.02 TAXICAB AND TAXI DRIVER'S LICENSES REQUIRED.

No person shall operate a taxicab for hire in the City unless a valid taxicab license is in effect for the taxicab and a valid taxi driver's license in effect for the driver.

" EXHIBIT A "

743.03 ANNUAL TAXICAB LICENSE FEE.

Every person engaged in the business of operating one or more taxicabs shall pay to the Director an annual license fee of ten dollars (\$10.00) for the first taxicab, and five dollars (\$5.00) for each additional taxicab operated by the same owner, and shall comply with all provisions of this chapter and any other ordinance pertaining to the regulation of taxicabs.

743.04 ISSUANCE OF TAXICAB LICENSE.

The Director shall issue an annual taxicab license for each taxicab operated in the City, provided that proof is furnished that the following requirements have been met for each taxicab:

- (a) Fee required by Section 743.03 shall have been paid;
- (b) Vehicle identification shall comply with Section 743.06;
- (c) Vehicle must meet all motor vehicle equipment and safety requirements of these Codified Ordinances and the Ohio Revised Code;
- (d) Vehicle must be covered by public liability insurance in amounts of coverage established by the City Finance Director.

743.05 TAXICAB RESERVED STANDING OR PARKING PLACES.

The Director is authorized to establish such reserved parking or standing spaces on the public streets for the exclusive use of taxicabs as will serve the best interests of the public.

743.06 IDENTIFICATION OF TAXICABS.

(a) Every person owning and operating a taxicab who obtains a license from the City may adopt any trade name, design, color scheme or method of painting or lettering such taxicab as is approved by the Director. Such trade name, design, color scheme or method of painting or lettering shall include the following matter:

- (1) A serial number assigned by the Director to each taxicab and painted on each side and on the rear of the taxicab.
- (2) The name of the owner or the trade name under which he does business, painted on each side of the taxicab.

(b) Whenever the name of the owner or the trade name under which he does business does not include any one of the words "taxicab," or "taxi," or "cab," then the word "taxicab" shall be painted on each side of the taxicab immediately beneath such name.

(c) Whenever any person owning or operating taxicabs does not adopt and use an approved trade name, design, color scheme or method of painting and lettering as hereinabove mentioned, then it shall be mandatory for such person to paint the following matter on his taxicabs:

- (1) A frame panel no less than fifteen inches wide by twenty inches high, painted on each side of the taxicab, and enclosing on separate lines the name of the owner, the word "taxicab," and the serial body number assigned by the Director.
- (2) The serial body number assigned to the taxicab by the Director, painted on the rear exterior of the taxicab.

(d) All mandatory lettering and working, whether in a particular trade name, design, color scheme, method of painting or lettering, or otherwise, as hereinabove provided, shall be at least three inches in height, and of such color as will contrast distinctly with the body color. The serial body numbers on the sides and rear shall be no less than four inches in height.

743.07 POSTING OF RATES IN VEHICLE.

It shall be the duty of each taxicab owner to cause to be posted in a conspicuous place within the vehicle a placard containing in legible words and numbers the rates in effect.

743.08 TAXI DRIVER'S LICENSE.

(a) Every driver of a taxicab which operates in the City must possess a valid taxicab driver's license issued by the Director in accordance with this chapter.

(b) Every applicant for a taxi driver's license shall pay to the Director a license fee of twenty dollars (\$20) at the time the original or renewal application is filed.

(c) Upon verification that the applicant has paid the necessary license fee and meets all requirements of this chapter, the Director shall issue a taxi driver's license, which shall include a photograph of the licensee. Such license will be valid for a period of one (1) year, and must be renewed annually.

(d) Every applicant for a taxi driver's license must present acceptable proof to the Director that s/he meets the following license requirements before a license may be issued, and s/he must continue to meet these requirements in order for any license issued to remain valid:

- (1) At least eighteen years of age,
- (2) Able to speak and understand the English language,
- (3) Possess a valid Ohio motor vehicle operator's license,
- (4) Have no more than six points on his driver's record as established by Ohio R.C. 4507.40,
- (5) Not have been convicted of a felony or a misdemeanor offense of violence or involving moral turpitude.

743.09 DISPLAY OF TAXI DRIVER'S LICENSE.

Every person driving a taxicab in the City shall post his/her taxicab driver's license within the taxicab in a position where it may clearly be read by passengers in the vehicle.

743.10 SUSPENSION OF TAXICAB OR TAXICAB DRIVER'S LICENSE.

At any time the Director becomes aware of the failure of a taxicab owner to meet the requirements of Section 743.04 for any taxicab(s) or of the failure of any taxicab driver to meet the requirements of Section 743.08, s/he shall suspend the taxicab or taxicab driver's license by notifying the license holder by certified mail at the address shown on the license application. Such license may be reinstated by the Director at such time as all requirements of this chapter are met.

743.11 APPEAL OF LICENSE SUSPENSION.

Any license holder whose license is suspended in accordance with Section 743.10 above, may appeal such suspension by notice to the Director in writing and mailed or delivered to the Director within ten (10) days of the receipt of the notice of suspension. Upon receipt of such notice, the Director shall schedule a hearing to be held not later than five (5) days after receipt of the notice of appeal. Within five (5) days following the hearing, the Director shall mail notice of his/her decision by first class mail to the license holder.

743.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor, and a separate offense shall be deemed to occur on or during each day on which a violation occurs.

RESOLUTION NO. 2014-31

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PARTNERSHIP AGREEMENT WITH WAYNE COUNTY FOR MAKING AN APPLICATION TO THE OHIO DEVELOPMENT SERVICES AGENCY FOR A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FOR COMMUNITY HOUSING IMPACT AND PRESERVATION (CHIP) FUNDS, AND DECLARING AN EMERGENCY

WHEREAS, the State of Ohio Development Services Agency provides financial assistance to local governments for the purpose of addressing local housing needs for low and moderate income persons, and in conjunction with FY 2014/16, is urging cities and counties to partner for purposes of receiving and administering funds available under the Small Cities Community Development Block Grant Community Housing Impact and Preservation (CHIP) Program; and

WHEREAS, this City Council desires to authorize a partnership agreement between the City of Wooster and Wayne County for purposes of making an application to the Ohio Development Services Agency for the purpose of receiving and administering such grant funds for FY 2014/16.

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

SECTION 1. That the Mayor is hereby authorized to enter into a partnership agreement with Wayne County for purposes of applying to the Ohio Development Services Agency for purposes of receiving and administering funds available under the Small Cities Community Development Block Grant Community Housing Impact and Preservation (CHIP) Program for FY 2014/16.

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

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary in order that the application to the State of Ohio Development Services Agency for a Small Cities Community Development Block Grant must be submitted by the June 6, 2014 deadline; 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: _____, 2014

Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2014

Mayor

Introduced by: Jon Ansel

**Request for Agenda Item
Non-Capital**

Division

Meeting Date Requested

Project Name

Approved for Agenda

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

The Ohio Development Services Agency (ODSA), which administers the Community Housing Impact and Preservation (CHIP) Program, has informed the City of Wooster that it is eligible to form a partnership with Wayne County in applying for and administering a grant to provide funding from 2014 through 2016 to assist low-to-moderate income residents needing aid with emergency home repair, homeowner housing rehabilitation projects, rental housing rehabilitation projects, and homeowner down-payment assistance.

Requested is Council's authorization to allow the Mayor to enter into a CHIP Partnership Agreement with Wayne County on behalf of the City, with the City as the lead applicant, in addition to Council's authorization in allowing the Mayor to submit an application to ODSA on behalf of said Partnership for the 2014-2016 CHIP funding cycle.

The City's latest CHIP application for 2013 was unsuccessful. Grant applications are scored on a myriad of criteria. For the current funding cycle, ODSA has strongly encouraged communities to form partnerships when filing applications and has indicated it will score joint applications higher and award an additional \$50,000 each to partnering cities and partnering counties.

In the past, Wayne County and the City of Wooster have created their own Project Review Committees to determine the projects to be funded by CHIP, and both have maintained their own revolving loan fund accounts from income returned from grants. These functions would remain the same and work in coordination with the Wayne Metropolitan Housing Authority (WMHA). Additionally, each Partner already has a working relationship with WHMA in administering past CHIP grants, which provides a natural conduit for forming a partnership.

A partnership entails two or more communities coming together to file a single application, with one party being responsible for managing all of the paperwork and funds associated with the grant. Leading the application would mean the City would apply to ODSA for \$850,000 in CHIP funds, \$450,000 of which would be allocated for use on qualified projects as Wayne County sees fit outside of City limits, while \$400,000 would be dedicated for projects within City limits. The City would be involved in processing invoices and payments on behalf of its partner, resulting in a minimal workload impact, while significantly increasing the prospects for winning a grant that would bring an additional \$100,000 to the region.

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

CHIP Grant applications, with any related Partnership Agreements, are due to ODSA no later than June 6, 2014. A suspension of the rules is requested in order to allow sufficient time to coordinate and complete an application by the deadline.

Manager Requesting

Date

Approved for Agenda