

**WOOSTER CITY COUNCIL AGENDA**

**November 3, 2014**

**7:30 p.m.**

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

**I. ROLL CALL & ORDERING OF AGENDA**

**II. APPROVAL OF MINUTES**

**III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

**IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**

Liquor License notice regarding a request for a transfer of C1 and C2 class permits from JJMAC LLC, DBA Convenient Food, 337 W. Liberty St., Wooster, Ohio 44691 to Bettys Boy LLC, DBA Convenient Food Market, 337 W. Liberty St., Wooster, Ohio 44691.

**V. COMMITTEE REPORTS; PUBLIC HEARINGS**

**VI. OLD BUSINESS**

**VII. NEW BUSINESS**

1. First Reading – ORDINANCE NO. 2014-30 AN ORDINANCE AMENDING CHAPTER 1351, MINIMUM HOUSING STANDARDS AND PROPERTY MAINTENANCE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO UPDATE THE CODE (Knapic)
2. First Reading – ORDINANCE NO. 2014-31 AN ORDINANCE AMENDING CHAPTER 1311, APPEALS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO UPDATE THE CODE (Knapic)
3. First Reading – ORDINANCE NO. 2014-32 AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE (Ansel)
4. First Reading – RESOLUTION NO. 2014-65 A RESOLUTION AUTHORIZING THE PAYMENT OF EXPENSES RELATED TO PENDING LITIGATION TO RECOVER DAMAGES FOR WORK DONE AT THE WASTEWATER TREATMENT PLANT, AND DECLARING AN EMERGENCY (Sanders)

**VIII. MISCELLANEOUS**

**IX. ADJOURNMENT**

NOTICE TO LEGISLATIVE  
AUTHORITY

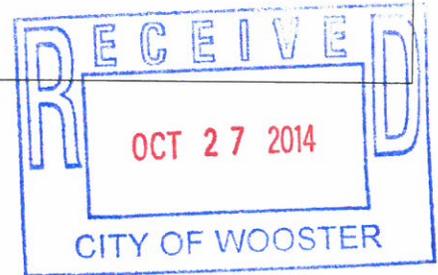
OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

0674147			TRFO	BETTYS BOY LLC DBA CONVENIENT FOOD MARKET 337 W LIBERTY ST WOOSTER OHIO 44691
PERMIT NUMBER			TYPE	
02	01	2014		
ISSUE DATE				
10	20	2014		
FILING DATE				
C1 C2				
PERMIT CLASSES				
85	165	B	F12976	
TAX DISTRICT			RECEIPT NO.	

FROM 10/22/2014

4290900				JJMAC LLC DBA CONVENIENT FOOD 337 W LIBERTY ST WOOSTER OHIO 44691
PERMIT NUMBER			TYPE	
02	01	2014		
ISSUE DATE				
10	20	2014		
FILING DATE				
C1 C2				
PERMIT CLASSES				
85	165			
TAX DISTRICT			RECEIPT NO.	



MAILED 10/22/2014

RESPONSES MUST BE POSTMARKED NO LATER THAN. 11/24/2014

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES **B TRFO 0674147**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING.

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

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

(Signature)

(Title) -  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

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

0674147 PERMIT NBR  
BETTYS BOY LLC  
DBA CONVENIENT FOOD MARKET  
337 W LIBERTY ST  
WOOSTER OHIO 44691

\*\*\*\*\*

ROBERT F LALONDE                      10/20/2014 ACTIVE            PRESIDENT    MAN-MBR

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

ORDINANCE NO. 2014-30

AN ORDINANCE AMENDING CHAPTER 1351, MINIMUM HOUSING STANDARDS AND PROPERTY MAINTENANCE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO UPDATE THE CODE

WHEREAS, the chief building official recommends the adoption of an updated property maintenance code for that presently in effect within the municipality.

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

SECTION 1. That Chapter 1351, Minimum Housing Standards and Property Maintenance Code, of the Codified Ordinances of the City of Wooster, Ohio is hereby amended to read as follows:

**1351.01 ADOPTION OF CODE.**

Except as may otherwise be provided hereinafter, the International Property Maintenance Code, 200612 edition, as published by the International Code Council, Inc., is hereby adopted as the Housing Code of the City for the control of buildings, structures, equipment and exterior property, as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the International Property Maintenance Code, 200612 edition, are hereby referred to, adopted and made a part hereof, as if fully set out at length in this chapter with the additions, insertions, deletions and changes, if any, prescribed herein. A copy of such Code shall be on file with and available for public inspection in the office of the Chief Building Official.

**1351.02 APPEAL.**

Any person affected by a decision or order issued under this chapter by the Code Official shall have the right to appeal to the Board of **Building and Zoning** Appeals, provided that a written application for appeal is filed within twenty (20) calendar days after the day of the decision or order was served. An application for appeal shall be based on a claim that the true intent of the Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the Code do not fully apply, or the requirements of the Code are adequately satisfied by other means. The Division shall serve written notice, personally or by registered or certified mail, upon the appellant of the time, place and date of the hearing on the appeal, and the same be set for the next regular meeting of the Board of **Building and Zoning** Appeals, providing that such date permits two days' notice thereof to the appellant. Failure to appear at the hearing shall be deemed to be a waiver of the appeal, unless prior thereto, the appellant has, through the Division, requested and received a continuance.

**1351.03 ASSESSMENT OF COSTS BY MUNICIPALITY.** [No changes]

**1351.05 AMENDMENTS.**

The International Property Maintenance Code adopted in Section 1351.01 shall be modified by the adoption of the following provisions set forth herein:



**Request for Agenda Item  
Non-Capital**

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

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

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

We want to adopt the 2012 International Property Maintenance Code (IMPC) referenced in **Chapter 1351 Minimum Housing Standards and Property Maintenance Code**. Currently we are enforcing the 2006 International Property Maintenance Code. Also, there are related changes to the ordinances that discuss the appeals process for the Property Maintenance Code that are affected and must be changed.

The 2012 IPMC is an improvement over the 2006 version because it has more specific descriptions and requirements. There is vast improvement for identifying dangerous structures or premises and the authority of the code official in those cases. Provisions were put in place for stop work orders and alternative methods for boarding buildings that need demolished or repaired. An Appendix was created to specify the process for boarding structures. Nine definitions were added to Chapter 2. Two sections were added to Chapter 3 to provide a better way of identifying and defining unsafe exterior structure and component conditions. Occupancy limitations were updated in Chapter 4 to help ensure proper calculation for habitable living conditions. Chapter 5 added two sections to increase the safe and sanitary condition for many structures including public toilet facility maintenance and access regulations as well as grease interceptor and backflow valve regulations. These updates will help the code official be more effective when identifying and resolving property maintenance issues.

**Chapter 1351 Minimum Housing Standards and Property Maintenance Code** also has an appeal section. Appeals are made to the Board of Building and Zoning Appeals. Wording needs to be updated in two chapters: **Chapter 1351 Minimum Housing Standards and Property Maintenance Code** and **Chapter 1311 Appeals** (Building Code).

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

**Manager Requesting**

**Date**

**Approved for Agenda**

Ord 30431

ORDINANCE NO. 2014-31

AN ORDINANCE AMENDING CHAPTER 1311, APPEALS, OF THE  
CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO  
UPDATE THE CODE

WHEREAS, the chief building official recommends the adoption of certain amendments to Chapter 1311, which governs appeals to the Board of Building and Zoning Appeals.

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

SECTION 1. That Chapter 1311, Appeals, of the Codified Ordinances of the City of Wooster, Ohio is hereby amended to read as follows:

**1311.01 BOARD OF BUILDING AND ZONING APPEALS.**

- (a) ~~There is hereby created a Board of Building Appeals, hereinafter referred to as the "Board".~~ The Board of Building and Zoning Appeals is hereby designated as the appeals board for any and all matters within the jurisdiction of the Division of Building Standards concerning the Minimum Housing Standards and Property Maintenance Code; one, two and three family dwellings; ~~and trade contractors' licenses~~, except as may be otherwise specifically designated by one or more of the codes and ordinances within such jurisdiction. ~~The Board shall consist of five members appointed by the Mayor for five-year terms, except that original appointments shall be for terms of one, two, three, four and five years. Each member shall hold office from the date of appointment until the end of the term for which s/he is appointed. Within thirty days after a vacancy occurs on the Board, the Mayor shall appoint a new member to complete the unexpired term. Any member shall continue in office subsequent to the expiration date of his/her term until his/her successor takes office or until sixty days have elapsed, whichever occurs first. Continued absence from regular or special meetings of the Board shall, at the discretion of the Mayor, render the member liable for immediate removal from office. The officers of the board shall consist of a chairperson and vice chairperson.~~
- (b) ~~The Board shall adopt its own rules and regulations of procedure and keep a record of proceedings which shall show the action taken by the Board and the vote of each member present upon each question considered. Interpretations of codes made by the Board and policies established by the Board, where the same are not otherwise provided by law, shall be binding upon the Division of Building Standards. Three votes shall be required to establish every decision of the Board. No member shall act on a matter in which s/he has a financial interest.~~
- (c) ~~The Board shall meet monthly at a regular time and fixed place, except that regular monthly meetings may be canceled by the chairperson if no appeals have been filed for that month. All meetings shall be open to the public. Executive sessions of the Board shall be permitted in accordance with the Charter, but no decision of the Board shall be made in executive session other than upon internal administrative matters. Special meetings may be called by the chairperson.~~
- (d) ~~The Board shall hear and decide appeals de novo, and shall review on appeal, any order, requirement, determination or decision made by the Division of Building Standards. (Ord. 1999-26. Passed 6-7-99.)~~

**~~1311.02~~ ~~ADVISORY OPINIONS.~~**

~~Upon the request of the Division, the Board may render advisory opinions upon any matter within the jurisdiction of the Division and may make recommendations to the various branches and departments of the City pertaining to matters within the jurisdiction of the Board.  
(Ord. 1968-34. Passed 8-5-68.)~~

**1311.032 APPEAL AND REVIEW; ~~FEE.~~**

Any person affected by a decision of the code official or a notice or order issued under any applicable code shall have the right to appeal such decision, notice or order, provided that the appeal is filed with the Division within twenty calendar days of the day on which the decision, notice or order was served. ~~The application fee for an appeal shall be twenty-five dollars (\$25.00) and the application for appeal shall be based upon a claim that the true intent of the code or rules adopted thereunder has been incorrectly interpreted; or that the provisions of the code do not fully apply; or that the requirements of the code are adequately satisfied by other means. The Division shall transmit the file relating to the matter to the Board of Building and Zoning Appeals and shall be represented at the hearing of the appeal by a member of the Division as the Director may direct. The Division shall serve written notice, personally or by registered or certified mail, upon the appellant of the time, place and date of the hearing on the appeal, and the same shall be set for the next regular meeting of the Board of Appeals, providing that such date permits two days' notice thereof to the appellant, and providing further that the appellant may waive written notice in order to expedite hearing of the appeal.~~ The appellant may appear and be heard in person, or by counsel. ~~Failure to appear at the hearing shall be deemed to be a withdrawal of the appeal, unless prior thereto, the appellant has, through the Division, requested a continuance. Any order, requirement, determination or decision of the Division may be appealed, in like manner.~~

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

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

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

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

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

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

Introduced by: Barbara Knapic

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Non-Capital**

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

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

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