

# CITY COUNCIL AGENDA

November 19, 2012

7:30 p.m.

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

## I. ROLL CALL & ORDERING OF AGENDA

## II. APPROVAL OF MINUTES

## III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

## IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

## V. COMMITTEE REPORTS; PUBLIC HEARINGS

## VI. OLD BUSINESS

## VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2012-31 EXTENDING THE CITY OF WOOSTER'S MORATORIUM ON THE PROCESSING OR APPROVAL OF APPLICATIONS FOR PERMITS OR APPROVALS UNDER THE CITY'S ZONING OR BUILDING CODES FOR ANY PREMISES FOR WHICH AN ADULT GAMING PARLOR OR SWEEPSTAKES TERMINAL DEVICE IS, OR IS PROPOSED TO BE LOCATED, AND DECLARING AN EMERGENCY (Knapic)
2. First Reading - ORDINANCE NO. 2012-32 APPROPRIATING FROM VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF WOOSTER FOR THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING AN EMERGENCY (Ansel)
3. First Reading - ORDINANCE NO. 2012-33 AUTHORIZING THE MAYOR TO TRANSFER FUNDS IN ACCORDANCE WITH SECTION 6.05 OF THE CHARTER OF THE CITY OF WOOSTER, OHIO (Ansel)
4. First Reading - RESOLUTION NO. 2012-102 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH THE WAYNE COUNTY COMMISSIONERS FOR THE PROSECUTION OF MUNICIPAL ORDINANCES BY THE WAYNE COUNTY PROSECUTOR AND FOR PAYMENT FOR SUCH SERVICES (Ansel)
5. First Reading - RESOLUTION NO. 2012- 103 INDICATING THE CITY OF WOOSTER'S COMMITMENT TO AND SUPPORT OF AN APPLICATION BY THE OHIO STATE UNIVERSITY FOR ASSISTANCE FROM THE US ECONOMIC DEVELOPMENT ADMINISTRATION FOR THE BIOHIO RESEARCH PARK (Ansel)
6. First Reading - RESOLUTION NO. 2012-104 ACCEPTING THE RECOMMENDATIONS OF THE WOOSTER TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AND COMMUNITY REINVESTMENT ACT AGREEMENTS (Ansel)
7. First Reading - RESOLUTION NO. 2012-105 ACCEPTING THE RECOMMENDATIONS OF THE WAYNE COUNTY TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AGREEMENTS, AND DECLARING AN EMERGENCY (Ansel)

## VIII. MISCELLANEOUS

## IX. ADJOURNMENT

ORDINANCE NO. 2012-31

AN ORDINANCE EXTENDING THE CITY OF WOOSTER'S MORATORIUM ON THE PROCESSING OR APPROVAL OF APPLICATIONS FOR PERMITS OR APPROVALS UNDER THE CITY'S ZONING OR BUILDING CODES FOR ANY PREMISES FOR WHICH AN ADULT GAMING PARLOR OR SWEEPSTAKES TERMINAL DEVICE IS, OR IS PROPOSED TO BE LOCATED, AND DECLARING AN EMERGENCY

WHEREAS, the City of Wooster, with the adoption of Ordinance Nos. 2011-30 and 2012-14, enacted a 180-day moratorium, and a subsequent extension thereof, on the processing or approval of applications for permits or approvals for the establishment of premises for which an adult gaming parlor or sweepstakes terminal device is, or is proposed to be, located, for the reason that the Ohio Legislature was (and is) considering legislation that would require these businesses to be licensed and regulated by the Ohio Casino Control Commission, and absent this action, law enforcement, consumers, and charities cannot operate in a fair, consistent legal environment; and

WHEREAS, the City of Wooster has the power to enact planning and zoning laws that are for the health, safety, and welfare, comfort and peace of the municipality; at this time, Adult Gaming Parlors are not specifically listed as a permitted use in the City's zoning code, and in the event that state regulation does not come forward, it will be necessary for the city to extend its review of the issue of Adult Gaming Parlors to determine their compatibility with the City's land use plans and their effects on surrounding land uses, and;

WHEREAS, because the present moratorium is about to expire, it is immediately necessary to extend the temporary moratorium on the processing or approval of certificates, permits and approvals under the City's Zoning and Building Codes for internet sweepstakes cafes to allow for the State's continued consideration of statewide regulation of this unregulated activity and for the City's consideration of their compatibility with the City's land use plans and their effects on surrounding land uses, thereby preserving the public health, peace, property, safety, and welfare.

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

SECTION 1. That the Director of Administration is hereby authorized and directed to extend until June 30, 2013 the previously-enacted and extended moratorium on the processing or approval of any application for a certificate of zoning clearance, building occupancy permit, or any other permit or approval required under the City's Zoning Code or the Building Code, for any premises upon which, or building in which, any sweepstakes terminal device is, or is proposed to be, located. This moratorium shall not apply to any permit required to comply with an order or notice issued pursuant to Chapter 1309 of the Codified Ordinances of the City of Wooster, Ohio dealing with the demolition of unsafe buildings.



ORDINANCE NO. 2012-32

AN ORDINANCE APPROPRIATING FROM VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF WOOSTER FOR THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING AN EMERGENCY

WHEREAS, the Charter of the City of Wooster provides, at §6.04, that no later than the second regular meeting of November the Mayor will prepare and present to the City Council for adoption an annual Appropriation Ordinance providing for the expenses of the municipal government for the coming fiscal year.

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

SECTION 1. That to provide for the current expenses and other expenditures of the City of Wooster for the Fiscal Year ending December 31, 2013, the following appropriations (detailed copy attached hereto) are hereby authorized.

SECTION 2. The budget approved by Council and the appropriation of funds to implement the budget represent the estimated expenditures needed to administer programs approved for the coming fiscal year. The budget is a work plan of the estimate of future needs for a given program as determined by Council when the budget is adopted.

In adopting the budget, Council recognizes that conditions may change during the fiscal year that may call for staff reductions or increases depending upon the facts in each instance.

In recognition of this fluid, constantly changing condition, the Mayor shall review requests for additional positions and for filling vacant positions within the limitations of the budget. After making a study of each request, he shall have the authority to approve, disallow or postpone such requests for additional personnel. In addition, he shall be responsible for resolving questions related to the staffing pattern of each department and division as determined by Council action on the annual budget.

Personnel requests in excess of the annual budget shall be studied and recommendations developed for the consideration of Council.

The Mayor shall be responsible for ascertaining that personnel requirements do not exceed those included or implied in the budget and/or Appropriation Ordinances.

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

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary in order to commence and complete the various projects at the earliest possible time for the convenience and enjoyment of the general public; 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 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: \_\_\_\_\_, 2012 Vote: \_\_\_\_\_

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

Clerk of Council

President of Council

Approved: \_\_\_\_\_, 2012 \_\_\_\_\_  
Mayor

Introduced by: Jon Ansel



RESOLUTION NO. 2012-102

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH THE WAYNE COUNTY COMMISSIONERS FOR THE PROSECUTION OF MUNICIPAL ORDINANCES BY THE WAYNE COUNTY PROSECUTOR AND FOR PAYMENT FOR SUCH SERVICES

WHEREAS, it is necessary to provide for the prosecution of ordinance or state code violations occurring within the municipality; and

WHEREAS, the City of Wooster has, since 1976, contracted with the Wayne County Commissioners to provide such services through the office of the Wayne County Prosecuting Attorney; and

WHEREAS, this Council finds that prompt action is necessary in order to maintain the continuity of services.

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

SECTION 1. That the Director of Administration is hereby authorized to renew an agreement with the Wayne County Commissioners for the prosecution of ordinance and state code violations within the municipality.

SECTION 2. The cost of the contract will not exceed the amount appropriated for this purpose in the Law Department budget in the General Fund for FY 2013.

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 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: \_\_\_\_\_, 2012  
Mayor

Introduced by: Jon Ansel

RESOLUTION NO. 2012-103

A RESOLUTION INDICATING THE CITY OF WOOSTER'S  
COMMITMENT TO AND SUPPORT OF AN APPLICATION BY  
THE OHIO STATE UNIVERSITY FOR ASSISTANCE FROM  
THE US ECONOMIC DEVELOPMENT ADMINISTRATION  
FOR THE BIOHIO RESEARCH PARK

WHEREAS, the US Economic Development Administration (EDA) exists to advance global competitiveness, create jobs, leverage public and private resources and promote collaborative regional innovation; and

WHEREAS, The Ohio State University, through the Ohio Agricultural Research and Development Center (OARDC), is seeking financial support from the US EDA in order to promote the growth of the BioHio Research and Development Park, and the city of Wooster desires to lend its support, including the provision of in-kind services, to this important initiative.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Wooster, Ohio, all members thereof concurring that:

SECTION 1. That the City of Wooster hereby offers its enthusiastic support to The Ohio State University and its affiliate, the OARDC, for their plans to grow and expand the BioHio Research Park, and hereby urges the US EDA to lend financial support to this important economic development proposal.

SECTION 2. That the Mayor of the city of Wooster is hereby authorized to commit up to \$20,000.00 in in-kind services for the EDA proposal, including:

- Planning and Development Design Analysis - Phase 1
- Utilities and Infrastructure Analysis - Phase 1
- Transportation and Parking Analysis - Phase 1
- Environmental Analysis - Phase 1
- Master Plan Probable Cost - Phase 3
- Printed and Bound Copies of Master Plan - Project end.

SECTION 3. That the City of Wooster hereby understands and agrees that participation in the program will require compliance with program guidelines and assurances.

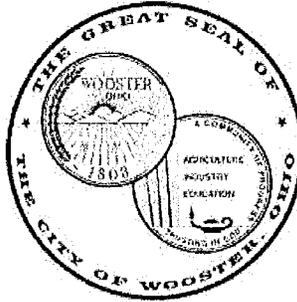
SECTION 4. This Council finds and declares that all formal actions concerning and relating to the adoption of this resolution occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 5. 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 to facilitate the support of the application referenced above; wherefore, this Resolution shall be in full force and effect from and immediately after its





Robert F. Breneman  
Mayor



Justin J. Starlin  
Community and Economic Development  
Phone (330) 263-5250  
Fax: (330) 263-5247  
Email: jstarlin@woosteroh.com

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

November 14, 2012

Wooster City Council  
538 North Market Street  
P.O. Box 1128  
Wooster, Ohio 44691

Re: Tax Incentive Review Council Recommendations

Dear Wooster City Council:

The Wooster Tax Incentive Review Council met on September 12, 2012 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 December 31, 2011. The following recommendations were made:

<u>Company</u>	<u>Recommendation</u>	<u>Program</u>
TechniGraphics Inc., et al (04-01)	Continue*	EZ
TechniGraphics Inc and TGS Holdings LLC (08-01)	Continue*	EZ
United Titanium Inc	Continue	EZ
Eldorado Stone LLC & Chesterland Estates PLL	Continue**	EZ
Westerman, Inc.	Continue	EZ
Compak Inc.	Continue	EZ
Bosch Rexroth Corporation & Chesterland Estates PLL	Continue	EZ
Wooster Republican Printing Company	Continue	CRA
Micahel R. Rose	Continue	CRA
Liberty Street Properties (06-002)	Continue	CRA
Haynn Construction, Inc.	Continue	CRA
The Coyote Group, LLC (06-004)	Continue	CRA
Gold Star Holding, LLC	Continue	CRA
554, LLC	Continue	CRA
CCCM Real Estate LLC	Continue	CRA
The Coyote Group, LLC (07-003)	Continue	CRA
Liberty Market Properties (07-004)	Continue	CRA
S Properties, LLC	Continue	CRA
MRR Properties, LLC	Continue	CRA
The Coyote Group, LLC (10-001)	Continue	CRA
Merchants Block, LLC	Continue	CRA

CM Properties Wooster, LLC

Continue

CRA

*\* denotes -- The Tax Incentive Review Council has requested that city administration meet with company representatives in the first quarter of 2013 to inquire about the potential desire to amend the current agreement.*

*\*\* denotes -- The Tax Incentive Review Council has requested that city administration meet with company representatives in the first quarter of 2013 to amend the current agreement to reflect accurate investment and job commitment moving forward.*

Pursuant to O.R.C Section 5709.85 (E), City Council shall, within sixty-days after receipt of the aforesaid recommendations, hold a meeting to accept, reject, or modify all or any portion of the recommendations.

Should you have any questions or require additional information, do not hesitate to call me (330-263-5250 office, 330-465-4700 cell).

Respectfully submitted,



Justin Starlin

cc: Andrei Dordea, Finance City of Wooster  
Mayor Robert Breneman  
Tax Incentive Review Council Members





# Tomorrow Together

Honoring our past... shaping our future

WAYNE COUNTY, OHIO

BOARD OF COUNTY COMMISSIONERS  
JIM CARMICHAEL • ANN M. OBRECHT • SCOTT S. WIGGAM

June 7, 2012

Mayor Bob Breneman  
City of Wooster  
538 N. Market Street  
Wooster, OH 44691

Dear Mayor Breneman:

Pursuant to ORC 5709.85 a legislative authority that received from a tax incentive review council written recommendations shall, within sixty (60) days after receipt, hold a meeting and vote to accept, reject or modify all or any portion of the recommendations.

Here are the most recent T.I.R.C. recommendations (minutes of the review meetings are attached).

May 3, 2012

Akron Brass CONTINUE / EXPIRED  
Frito-Lay CONTINUE / EXPIRED  
LUK, Inc. CONTINUE / EXPIRED  
(#201-00-01)

May 3, 2012

LUK, Inc.(#201-02-02) CONTINUE  
TEKFOR CONTINUE  
Gerstenslager CONTINUE / EXPIRED

Please forward to me a copy of the minutes or resolution (whichever is applicable) regarding action taken.

If you have questions concerning this issue, please contact me at (330) 287-5420.

Sincerely,

  
Betsy Sparr,  
Enterprise Zone Manager

Enc./ cc: TIRC Members      Company Reps      File Copy