

**CITY COUNCIL AGENDA**  
**December 3, 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**

**PUBLIC HEARING** – Zoning Code Amendment Title One, General Provisions/Administration; Chapter 1119, Amendments; Section 1119.08(b), Recommendation by the Planning Commission; and Section 1119.10(d), Action by City Council).

**VI. OLD BUSINESS**

1. Second 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)

2. Second 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)

**VII. NEW BUSINESS**

1. First Reading - ORDINANCE NO. 2012-34 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LUK USA, LLC AND THE WOOSTER GROWTH CORPORATION FOR TAX ABATEMENT, AND DECLARING AN EMERGENCY (Ansel)

2. First Reading - ORDINANCE NO. 2012-35 AMENDING PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO TO ENLARGE THE LENGTH OF TIME FOR PLANNING COMMISSION AND CITY COUNCIL CONSIDERATION OF PROPOSED AMENDMENTS THERETO (Knapic)

3. First Reading - ORDINANCE NO. 2012-36 TO AMEND SECTIONS 1701.03 AND 1701.04 OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, IN ORDER TO PROVIDE FOR A ONE-HALF OF ONE PERCENT INCREASE IN THE CURRENT LEVY ON INCOME, FROM ONE PERCENT TO A RATE OF ONE AND ONE-HALF PERCENT ON AND AFTER JANUARY 1, 2014, FOR THE PURPOSES OF GENERAL MUNICIPAL OPERATIONS, MAINTENANCE, NEW EQUIPMENT, EXTENSION AND ENLARGEMENT OF MUNICIPAL SERVICES AND FACILITIES AND CAPITAL IMPROVEMENTS OF THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (Ansel)

4. First Reading - RESOLUTION NO. 2012-106 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO RENEW A CONTRACT WITH THE CENTRAL FIRE DISTRICT TRUSTEES FOR THE FURNISHING OF EMERGENCY AMBULANCE SERVICES TO A PORTION OF WAYNE TOWNSHIP, AND DECLARING AN EMERGENCY (Steiner)

5. First Reading - RESOLUTION NO. 2012-107 AUTHORIZING THE MAYOR TO ACCEPT A GIFT OF MONEY FROM THE DONALD AND ALICE NOBLE FOUNDATION FOR THE A PAVING PROJECT IN THE EDUCATION CENTER AREA OF WOOSTER MEMORIAL PARK, AND DECLARING AN EMERGENCY (Silvestri)
6. First Reading - RESOLUTION NO. 2012-108 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE REPAIR SR3/SR83 BETWEEN US 30 AND FRIENDSVILLE ROAD, AND DECLARING AN EMERGENCY (Ulbright)
7. First Reading - RESOLUTION NO. 2012-109 DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO AMEND SECTIONS 1701.03 AND 1701.04 OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, IN ORDER TO PROVIDE FOR A ONE-HALF OF ONE PERCENT INCREASE IN THE CURRENT LEVY ON INCOME, FROM ONE PERCENT TO A RATE OF ONE AND ONE-HALF PERCENT ON AND AFTER JANUARY 1, 2014, FOR THE PURPOSES OF GENERAL MUNICIPAL OPERATIONS, MAINTENANCE, NEW EQUIPMENT, EXTENSION AND ENLARGEMENT OF MUNICIPAL SERVICES AND FACILITIES AND CAPITAL IMPROVEMENTS OF THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (Ansel)
8. First Reading - RESOLUTION NO. 2012-110 AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE STATE OF OHIO OFFICE OF COMMUNITY DEVELOPMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT DISCRETIONARY TARGETS OF OPPORTUNITY GRANT, TO ACCEPT SUCH MONIES, IF AWARDED; TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY (Ansel)

**VIII. MISCELLANEOUS**

**IX. ADJOURNMENT**

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 11-19-12 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2012 Vote: \_\_\_\_\_

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

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

Introduced by: Jon Ansel

RESOLUTION NO. 2012-104

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 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; and

WHEREAS, the Wooster TIRC met on September 12, 2012, and after reviewing existing city EZ and CRA agreements coming within its jurisdiction, 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 11-19-12 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2012 Vote: \_\_\_\_\_

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

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

Introduced by: Jon Ansel

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

ORDINANCE NO. 2012-34

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LuK USA, LLC AND THE WOOSTER GROWTH CORPORATION FOR TAX ABATEMENT, AND DECLARING AN EMERGENCY

WHEREAS, LuK USA, LLC is a for-profit enterprise engaged in the of design and manufacture of automotive powertrain systems for the domestic automotive industry, and which operates combined office and manufacturing facilities located at 3401 Old Airport Road in Wooster, and it desires to expand its manufacturing facilities, including a capital investment of not more than \$46,500,000.00 in new construction and new machinery and equipment, as well as the creation of 95 new full-time permanent jobs, and it has requested tax abatement as an incentive to the proposed expansion; and

WHEREAS, the Wooster Growth Corporation, as the designated community improvement corporation for the City of Wooster, has reviewed the request for tax abatement and has recommended the approval thereof by this Council.

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

SECTION 1. That the Mayor is hereby authorized to enter into an agreement on behalf of the City of Wooster with LuK USA, LLC for tax abatement. The terms of such agreement will include, but not be limited to, the following: (1) abatement of real estate and personal property taxes of 75% for ten years; (2) for a maximum term not to exceed ten (10) years; (3) a provision that the enterprise will remain in Wooster for an additional year for each year of abatement, subject to the disgorgement of all abated taxes; and (4) such other terms as the Mayor, in his discretion, deems appropriate.

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, in compliance with law.

SECTION 3. 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 facilitate implementation of the expansion project by the LuK USA, LLC; 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: \_\_\_\_\_, 2012 Vote: \_\_\_\_\_

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

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

Introduced by: Jon Ansel

ORDINANCE NO. 2012-35

AN ORDINANCE AMENDING PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO TO ENLARGE THE LENGTH OF TIME FOR PLANNING COMMISSION AND CTY COUNCIL CONSIDERATION OF PROPOSED AMENDMENTS THERETO

WHEREAS, the Wooster City Planning Commission, on its own motion, directed the planning and zoning manager to review and recommend amendments to the portion of the Planning and Zoning Code dealing with the consideration by the Planning Commission and Wooster City Council of proposed amendments thereto; and

WHEREAS, the Planning Commission considered the proposed amendments at its meeting on October 24, 2012 and recommended the **approval** thereof.

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

SECTION 1. That Part Eleven, Planning and Zoning Code, of the Codified Ordinances of the City of Wooster, be amended at Section 1119.08, RECOMMENDATION BY THE PLANNING COMMISSION, to read as follows (changes *italicized* and in **red** highlight):

**1119.08 RECOMMENDATION BY THE PLANNING COMMISSION.**

- (a) [Unchanged]
- (b) If the Planning Commission does not make a recommendation on the proposed amendment within ~~forty-five~~ **sixty** (~~45~~**60**) days after the public hearing, it shall be deemed that the recommendation of the Planning Commission is that the amendment be denied.
- (c) [Unchanged]

SECTION 2. That Part Eleven, Planning and Zoning Code, of the Codified Ordinances of the City of Wooster, be amended at Section 1119.10, ACTION BY COUNCIL, to read as follows (changes *italicized* and in **red** highlight):

**1119.10 ACTION BY CITY COUNCIL.**

After the conclusion of the public hearing required in Section 1119.09, Council shall take action on the proposed amendment.

- (a) [Unchanged]
- (b) [Unchanged]
- (c) [Unchanged]
- (d) If a proposed amendment is not adopted by the City Council within ~~60~~ **120** days after receiving latest recommendation of the Planning Commission is submitted, such proposed amendment shall be deemed to have been defeated and denied and shall not thereafter be passed with out additional proceedings as provided in Sections 1119.02 through 1119.10.

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 shall take effect and be in force from and after the earliest date allowed by law.

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

Passed: \_\_\_\_\_, 2012      Vote: \_\_\_\_\_

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

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

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

\_\_\_\_\_  
Mayor

Introduced by: Barbara A. Knapic

ORDINANCE NO. 2012-36

AN ORDINANCE TO AMEND SECTIONS 1701.03 AND 1701.04 OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, IN ORDER TO PROVIDE FOR A ONE-HALF OF ONE PERCENT INCREASE IN THE CURRENT LEVY ON INCOME, FROM ONE PERCENT TO A RATE OF ONE AND ONE-HALF PERCENT ON AND AFTER JANUARY 1, 2014, FOR THE PURPOSES OF GENERAL MUNICIPAL OPERATIONS, MAINTENANCE, NEW EQUIPMENT, EXTENSION AND ENLARGEMENT OF MUNICIPAL SERVICES AND FACILITIES AND CAPITAL IMPROVEMENTS OF THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, WAYNE COUNTY, OHIO, that:

SECTION 1. Section 1701.03 of the Codified Ordinances of the City of Wooster, Ohio, is hereby amended to read as follows (changes *italicized* and in **red** highlight):

1701.03 IMPOSITION OF TAX.

(a) Subject to the provisions of Section 1701.16, an annual tax for the purposes specified in Section 1701.01 hereof shall be imposed on and after *January 1, 2014*, at the rate of one *and one-half* percent (*1.5%*) per annum upon the following:

- (1) On all salaries, wages, commissions and other compensation earned on and after *January 1, 2014*, by residents of the City;
- (2) On all salaries, wages, commissions and other compensation earned on and after *January 1, 2014* by nonresidents for work done or services performed or rendered in the City, subject to limitations on such taxation set forth in division (H)(8) of Section 718.01 of the Ohio Revised Code;
- (3) On the portion attributable to the City of the net profits earned on and after *January 1, 2014* of all S Corporations, unincorporated businesses, professions or other entities, derived from sales made, work done, services performed or rendered and business or other activities conducted in the City, whether or not such business entity has an office or place of business in the City. The liability of partnerships, S Corporations, and limited liability companies from this tax will be removed upon proper filing of information regarding the allocation of profits to the City of Wooster, the owners, shareholders or partners to which the liability is transferred, and the owner's, shareholder's or partner's distributive share of the entity's profits;

- (4) On the portion of the distributive share of the net profits earned on and after *January 1, 2014* of a resident partner, owner, S Corporation shareholder or beneficiary of an unincorporated business entity or S Corporation not attributable to the City and not levied against such S Corporation or unincorporated business entity. For a resident S Corporation shareholder, only the distributive share of net profits allocable to the State of Ohio is subject to municipal tax, except to the extent that the portion not allocated to Ohio represents wages or earnings from self-employment. However, the liability of an individual partner, S Corporation shareholder, owner or beneficiary taxable hereunder on income attributable to another taxing municipality shall be subject to the relief and reciprocity provisions of Section 1701.15. If a tax liability to another municipality is acknowledged and paid at the entity level, the individual partner, S Corporation shareholder or beneficiary shall be subject to the relief and reciprocity provisions of Section 1701.15 as if the income claimed and tax paid were their own, prorated according to their profit percentage for the entity for that tax period;
- (5) On the portion attributable to the City of the net profits earned on and after *January 1, 2014* of all corporations derived from sales made, work done, services performed or rendered and business or other activities conducted in the City, whether or not such corporations have an office or place of business in the City;
- (6) On the portion of the distributive share of the net profits earned, of a partner, owner, S Corporation shareholder or beneficiary of an S Corporation or unincorporated business entity derived from sales made, work done, services performed or rendered and business or other activities conducted in the City by the S Corporation or unincorporated business entity. Such tax liability of a nonresident partner, owner, S Corporation shareholder or beneficiary shall be removed upon payment of the tax liability by the business entity as described in division (a)(3) of this section. Such tax liability of a resident partner, owner, S Corporation shareholder or beneficiary shall be removed upon payment of the tax liability by the business entity as described in division (a)(3) of this section if the allocation of profits, to the City of Wooster, is 100%. In the event of an allocation of less than 100% to the City of Wooster, the resident partner, owner, S Corporation shareholder or beneficiary shall receive credit for any income taxes paid to the City of Wooster, as an acknowledged income tax liability, in the same ratio to the entity's tax liability as their ownership or beneficiary profit percentage;
- (7) On the net proceeds, excluding deduction for income taxes, from prizes, awards, games of chance or lottery by residents of the City that are taxable for federal income tax purposes. Losses resulting from these activities may be deducted from winnings but only to the extent of net proceeds in any given tax year.

- (b) Business Within and Without The Municipality. [No change]
- (c) Operating Loss Carry Forward. [No change]
- (d) Rentals. [No change]
- (e) Consolidated Returns. [No change]
- (f) Exceptions. [No change]
- (g) Expenses Related to Non-Taxable Income. [No change]

SECTION 2. Section 1701.04 of the Codified Ordinances of the City of Wooster, Ohio, is hereby amended to read as follows (changes *italicized* and in red highlight):

1701.04 EFFECTIVE PERIOD.

Such tax shall be levied, collected and paid with respect to salaries, wages, commissions and other compensation earned on and after *January 1, 2014*, and with respect to the net profit of businesses, professions and other activities earned on and after January 1, *2014*. Where the fiscal year of the business, profession or other activity differs from the calendar year, the tax shall be applied to that part of the net profit for the fiscal year as shall be earned on and after January 1, *2014*, to the close of the taxpayer's fiscal year; thereafter the taxpayer shall report on its fiscal year basis.

SECTION 3. Provided that it receives the approval of a majority of the electors of the City of Wooster, Ohio, the proposed increase will become effective as of January 1, 2014, and Sections 1701.03 and 1701.04 of the Codified Ordinances, as they have heretofore existed, are thereby repealed. Provided, however, that no provision of this Ordinance, including the repeal of Sections 1701.03 and 1701.04 of the Codified Ordinances, as they have heretofore existed, shall in any way affect any rights or obligations of the City, any taxpayer, or any other person, official or entity, with respect to the one percent municipal income tax authorized by Sections 1701.03 and 1701.04.

SECTION 4. 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 5. 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 the immediate effectiveness of this Ordinance is necessary to provide for necessary municipal functions and capital improvements, and to meet financial obligations of the City in connection therewith; 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: \_\_\_\_\_, 2012

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

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

Clerk of Council

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

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

\_\_\_\_\_  
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 Fire Division is requesting the City Administration to renew the current automatic aid agreement with the Central Fire District Trustees to provide emergency ambulance service to Wayne Township. This contract is good from January 1, 2013 to December 31<sup>st</sup> 2013.

- This agreement has been in place for numerous years and includes;
1. Description of area served (EMS within area outlined in attached Ex. A)
  2. Agreement of both parties for services for response and training
  3. Provision for reasonable charges
  4. A renewable option
  5. Such other terms as deemed advisable as he/she deem necessary

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

**Manager Requesting**

**Date**

**Approved for Agenda**





**PRELIMINARY LEGISLATION**

~~Ordinance~~ Resolution No. 2012-108  
PID No. 90434  
Project Name WAY SR 0083 10.88

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

**SECTION I - Project Description**

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

*The primary purpose of this project is to perform concrete repairs on the mainline and ramps of SR3/SR83 from just south of the US 30 interchange to north of Friendsville Road.*

*Approximately 0.5 miles at the north end of this project requires city participation.*

Construction is tentatively scheduled to begin in 2013.

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

**SECTION II - Consent Statement**

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

**SECTION III - Cooperation Statement**

The City shall cooperate with the Director of Transportation, for the **portion of this project which the city is responsible to participate :**

- 1) *ODOT agrees to assume and bear one hundred percent (100%) of the preliminary engineering costs, and environmental studies costs.*
- 2) *ODOT and the City agree that the concrete pavement joint repairs are eligible for 50%ODOT/50%City funding*

*Other than the Concrete Pavement Repairs.....*

- 3) *ODOT and the City agree that the following roadway construction item are eligible for 80%ODOT/20%City funding: height adjustment to existing guardrail, pavement markings, adjustments to catch basins, man holes, valve boxes, etc, Mailbox supports & approaches and Work zone signs and construction engineering.*

PID No. 90434  
Project Name WAY SR 0083 10.88

**SECTION III - Cooperation Statement continued.**

- 4) *ODOT agrees to assume and bear one hundred percent (100%) of the bridge related costs.*
- 5) *The City further agrees to pay One Hundred Percent (100%) of the cost of the following construction items, Curbs, curb ramps, City owned signs, Guardrail- replacement of existing & required new locations, and those items requested by the City which are determined to be unnecessary by the State or Federal Highway Administration for the intent of this project.*

**SECTION IV - Maintenance**

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

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

PID No. 90434  
Project Name WAY SR 0083 10.88

**CERTIFICATE OF COPY  
STATE OF OHIO**

City of Wooster of Wayne County, Ohio

I, \_\_\_\_\_, as Clerk of the City of Wooster of Wayne County, Ohio,

Do hereby certify that the foregoing is a true and correct copy of Resolution adopted by  
(Ordinance/Resolution)

the legislative Authority of the said City of Wooster on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

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

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

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

Resolution ~~XXXX~~ Page 2012-108.  
(Ordinance/Resolution)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official  
seal, if applicable, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

(SEAL)  
(If Applicable)

\_\_\_\_\_  
Clerk Signature  
City of Wooster of Wayne County, Ohio.

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

For the City of Wooster of Wayne County, Ohio

Attest: \_\_\_\_\_, Date \_\_\_\_\_  
Contractual Officer

\*\*\*\*\*

For the State of Ohio

Attest: \_\_\_\_\_, Date \_\_\_\_\_  
Director, Ohio Department of Transportation

PID No. 90434  
Project Name WAY SR 0083 10.88

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

The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual

Passed: \_\_\_\_\_, 20\_\_\_\_.  
(Date)

Attested: \_\_\_\_\_  
(Clerk)

\_\_\_\_\_  
(Officer of City - title)

Attested: \_\_\_\_\_  
(Title)

\_\_\_\_\_  
(President of Council)

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.  
(Ordinance/Resolution)

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

<b>Division</b> Engineering	<b>Meeting Date Requested</b> December 3, 2012
<b>Project Name</b> ODOT SR 83 Minor Rehab	<b>Approved for Agenda</b>
<b>Estimated Total Cost</b> \$45,000.	
<b>Is Full Amount Budgeted</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If No, How Is The Purchase To Be Funded?</b>	
<b>Description Of Purchase</b> This is a request to authorize City funds for a portion of the ODOT SR 83 (Dix Highway) Minor Rehabilitation Project. The portion of the City's contribution would be from the northern segment of concrete pavement from the end of the divided highway to Friendsville Road. This legislation would also authorize cooperation with funding the City portion of the roadway. The City is agreeing to pay 50% of the inside City corp. concrete repair costs and 20% of the remainder of the work.	
<b>Justification / Benefits</b> The Ohio Department of Transportation has committed to funding 80% of the construction costs for this project in FY 2013, with construction taking place in 2013. The City will be responsible for 20% of the construction costs located within the City corp. and 50% of any concrete repairs.	
<b>Will This Project Effect the City's Operating Costs</b> This project should have little or no effect on the City's operating costs. Road maintenance should be reduced after the project is completed.	
<b>What Alternatives Exist and What Are The Implications of The Alternatives</b> We could do nothing and forfeit the ODOT funds.	
<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> This is a request to simply consent and cooperate with ODOT.	
<b>Are You Requesting Suspension Of The Rules</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>If Yes, Note Reasons</b> Passage on first reading is not required, however, ODOT has requested that signed legislation and the amount will need to be added to the 2013 budget.	
<b>Division Manager</b> Roger Kobilarcsik	<b>Date</b> November 29, 2012

RESOLUTION NO. 2012-109

A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO AMEND SECTIONS 1701.03 AND 1701.04 OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, IN ORDER TO PROVIDE FOR A ONE-HALF OF ONE PERCENT INCREASE IN THE CURRENT LEVY ON INCOME, FROM ONE PERCENT TO A RATE OF ONE AND ONE-HALF PERCENT ON AND AFTER JANUARY 1, 2014, FOR THE PURPOSES OF GENERAL MUNICIPAL OPERATIONS, MAINTENANCE, NEW EQUIPMENT, EXTENSION AND ENLARGEMENT OF MUNICIPAL SERVICES AND FACILITIES AND CAPITAL IMPROVEMENTS OF THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY

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

SECTION 1. This Council hereby authorizes and directs the Board of Elections of Wayne County to submit to the electors of the City of Wooster, Ohio, at an election to be held at the usual places of voting in said City on May 7, 2013, the question of approving the passage of the attached Ordinance No. 2012-36 to amend Sections 1701.03 and 1701.04 of the Codified Ordinances of the City of Wooster, Ohio in order to provide for an increase in the current levy on income from a rate of one percent (1%) to a rate of one and one-half percent (1.5%) on and after January 1, 2014, for the purposes of general municipal operations, maintenance, new equipment, extension and enlargement of municipal services and facilities and capital improvements of the City of Wooster

SECTION 2. It is the desire of this Council that the ballots presented to the electors of the City of Wooster shall be in substantially the following form:

**PROPOSED MUNICIPAL INCOME TAX INCREASE  
CITY OF WOOSTER  
A majority affirmative vote is necessary for passage**

Shall the Ordinance (Ordinance No. 2012-36) providing for a one-half of one percent (0.5%) increase in the current levy on income, from a rate of one percent (1%) to a rate of one and one-half percent (1.5%) on and after January 1, 2014, for the purpose of general Municipal operations, maintenance, new equipment, extension and enlargement of Municipal services and facilities and capital improvements of the City of Wooster, be approved?

	FOR THE INCOME TAX
	AGAINST THE INCOME TAX

SECTION 3. The Clerk of this Council is hereby directed to file a certified copy of this Resolution, together with a certified copy of Ordinance No. 2012-36 with the Board of Elections of Wayne County no later than February 8, 2013.

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 this Resolution must be effective at once in order for the matter of the proposed municipal income tax increase to be placed on the ballot at the May 7, 2013 primary election; 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: \_\_\_\_\_, 2012

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

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

Clerk of Council

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

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

\_\_\_\_\_  
Mayor

Introduced by: Jon Ansel

ORDINANCE NO. 2012-36

AN ORDINANCE TO AMEND SECTIONS 1701.03 AND 1701.04 OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, IN ORDER TO PROVIDE FOR A ONE-HALF OF ONE PERCENT INCREASE IN THE CURRENT LEVY ON INCOME, FROM ONE PERCENT TO A RATE OF ONE AND ONE-HALF PERCENT ON AND AFTER JANUARY 1, 2014, FOR THE PURPOSES OF GENERAL MUNICIPAL OPERATIONS, MAINTENANCE, NEW EQUIPMENT, EXTENSION AND ENLARGEMENT OF MUNICIPAL SERVICES AND FACILITIES AND CAPITAL IMPROVEMENTS OF THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, WAYNE COUNTY, OHIO, that:

SECTION 1. Section 1701.03 of the Codified Ordinances of the City of Wooster, Ohio, is hereby amended to read as follows (changes *italicized* and in **red** highlight):

1701.03 IMPOSITION OF TAX.

(a) Subject to the provisions of Section 1701.16, an annual tax for the purposes specified in Section 1701.01 hereof shall be imposed on and after *January 1, 2014*, at the rate of one *and one-half* percent (*1.5%*) per annum upon the following:

- (1) On all salaries, wages, commissions and other compensation earned on and after *January 1, 2014*, by residents of the City;
- (2) On all salaries, wages, commissions and other compensation earned on and after *January 1, 2014* by nonresidents for work done or services performed or rendered in the City, subject to limitations on such taxation set forth in division (H)(8) of Section 718.01 of the Ohio Revised Code;
- (3) On the portion attributable to the City of the net profits earned on and after *January 1, 2014* of all S Corporations, unincorporated businesses, professions or other entities, derived from sales made, work done, services performed or rendered and business or other activities conducted in the City, whether or not such business entity has an office or place of business in the City. The liability of partnerships, S Corporations, and limited liability companies from this tax will be removed upon proper filing of information regarding the allocation of profits to the City of Wooster, the owners, shareholders or partners to which the liability is transferred, and the owner's, shareholder's or partner's distributive share of the entity's profits;

- (4) On the portion of the distributive share of the net profits earned on and after *January 1, 2014* of a resident partner, owner, S Corporation shareholder or beneficiary of an unincorporated business entity or S Corporation not attributable to the City and not levied against such S Corporation or unincorporated business entity. For a resident S Corporation shareholder, only the distributive share of net profits allocable to the State of Ohio is subject to municipal tax, except to the extent that the portion not allocated to Ohio represents wages or earnings from self-employment. However, the liability of an individual partner, S Corporation shareholder, owner or beneficiary taxable hereunder on income attributable to another taxing municipality shall be subject to the relief and reciprocity provisions of Section 1701.15. If a tax liability to another municipality is acknowledged and paid at the entity level, the individual partner, S Corporation shareholder or beneficiary shall be subject to the relief and reciprocity provisions of Section 1701.15 as if the income claimed and tax paid were their own, prorated according to their profit percentage for the entity for that tax period;
- (5) On the portion attributable to the City of the net profits earned on and after *January 1, 2014* of all corporations derived from sales made, work done, services performed or rendered and business or other activities conducted in the City, whether or not such corporations have an office or place of business in the City;
- (6) On the portion of the distributive share of the net profits earned, of a partner, owner, S Corporation shareholder or beneficiary of an S Corporation or unincorporated business entity derived from sales made, work done, services performed or rendered and business or other activities conducted in the City by the S Corporation or unincorporated business entity. Such tax liability of a nonresident partner, owner, S Corporation shareholder or beneficiary shall be removed upon payment of the tax liability by the business entity as described in division (a)(3) of this section. Such tax liability of a resident partner, owner, S Corporation shareholder or beneficiary shall be removed upon payment of the tax liability by the business entity as described in division (a)(3) of this section if the allocation of profits, to the City of Wooster, is 100%. In the event of an allocation of less than 100% to the City of Wooster, the resident partner, owner, S Corporation shareholder or beneficiary shall receive credit for any income taxes paid to the City of Wooster, as an acknowledged income tax liability, in the same ratio to the entity's tax liability as their ownership or beneficiary profit percentage;
- (7) On the net proceeds, excluding deduction for income taxes, from prizes, awards, games of chance or lottery by residents of the City that are taxable for federal income tax purposes. Losses resulting from these activities may be deducted from winnings but only to the extent of net proceeds in any given tax year.

- (b) Business Within and Without The Municipality. [No change]
- (c) Operating Loss Carry Forward. [No change]
- (d) Rentals. [No change]
- (e) Consolidated Returns. [No change]
- (f) Exceptions. [No change]
- (g) Expenses Related to Non-Taxable Income. [No change]

SECTION 2. Section 1701.04 of the Codified Ordinances of the City of Wooster, Ohio, is hereby amended to read as follows (changes *italicized* and in red highlight):

1701.04 EFFECTIVE PERIOD.

Such tax shall be levied, collected and paid with respect to salaries, wages, commissions and other compensation earned on and after *January 1, 2014*, and with respect to the net profit of businesses, professions and other activities earned on and after January 1, *2014*. Where the fiscal year of the business, profession or other activity differs from the calendar year, the tax shall be applied to that part of the net profit for the fiscal year as shall be earned on and after January 1, *2014*, to the close of the taxpayer's fiscal year; thereafter the taxpayer shall report on its fiscal year basis.

SECTION 3. Provided that it receives the approval of a majority of the electors of the City of Wooster, Ohio, the proposed increase will become effective as of January 1, 2014, and Sections 1701.03 and 1701.04 of the Codified Ordinances, as they have heretofore existed, are thereby repealed. Provided, however, that no provision of this Ordinance, including the repeal of Sections 1701.03 and 1701.04 of the Codified Ordinances, as they have heretofore existed, shall in any way affect any rights or obligations of the City, any taxpayer, or any other person, official or entity, with respect to the one percent municipal income tax authorized by Sections 1701.03 and 1701.04.

SECTION 4. 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 5. 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 the immediate effectiveness of this Ordinance is necessary to provide for necessary municipal functions and capital improvements, and to meet financial obligations of the City in connection therewith; 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: \_\_\_\_\_, 2012

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

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

Clerk of Council

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

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

\_\_\_\_\_  
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 Office of Community Development (OCD), a division of the Ohio Department of Administrative Services notified the City of Wooster on November 27<sup>th</sup> of approval to submit a full application to the Discretionary Targets of Opportunity Grant program. This approval is in response to the City of Wooster's August 6<sup>th</sup> 2012 pre-assessment application to the Discretionary Targets of Opportunity Grant program that requested grant funding in the amount of \$253,200.

The Discretionary Targets of Opportunity Grant supports funding applications that seek to rehabilitate privately owned properties in the heart of downtowns throughout the state of Ohio. This ultra competitive grant program is extremely popular, as it offers grant monies to private property owners who commit to revitalizing commercial properties within a certified target area. The target area for the City of Wooster's Discretionary Targets of Opportunity Grant application is the south side of the one-hundred block of West Liberty Street. The targeted property owners committed to revitalizing their properties are as follows:

- 140 West Liberty Street – Jeff Musselman and Wayne Zacour
- 144 West Liberty Street – Gray and Kim Gants
- 148 West Liberty Street – Rudy and Laura Christian
- 154 West Liberty Street – Pamela and Spiro Matsos

Approval from City Council to allow the Mayor to submit a full application will increase the potential to secure these highly coveted grant monies for the above listed property owners.

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

Yes – Approval by council will allow the Mayor to apply in a timely manner.

**Manager Requesting**

**Date**

**Approved for Agenda**