

CITY COUNCIL AGENDA

April 16, 2018

7:30p.m.

The meeting convenes 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

1. Liquor Control Notice – D1, D2, D6
Styx Acquisition LLC
3540 Burbank Road
Wooster, Ohio 44691

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Public Hearing: Amendment to the Planning and Zoning Code and Zoning Map

VI. OLD BUSINESS

VII. NEW BUSINESS

1. First Reading – ORDINANCE NO. 2018-008
AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF BURBANK ROAD BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, PAVING, RESURFACING, CONSTRUCTING CURBS, GUTTERS, SIDEWALKS AND DRIVEWAY APPROACHES, CONSTRUCTING A TURNING LANE, INSTALLING STORM SEWERS, CATCH BASINS, MANHOLES, WATER MAINS, FIRE HYDRANTS, AND TRAFFIC CONTROL SIGNS AND DEVICES, AND ACQUIRING ANY REAL ESTATE AND INTERESTS, ALL TOGETHER WITH THE NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY (Bostancic)
2. First Reading – ORDINANCE NO. 2018-009
AN ORDINANCE AMENDING PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO (Sanders)
3. First Reading – RESOLUTION NO. 2018-027
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 (Ansel)

VII. MISCELLANEOUS

VIII. 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

86538890065 <small>PERMIT NUMBER</small>		TRFO <small>TYPE</small>	STYX ACQUISITION LLC 3540 BURBANK RD WOOSTER OHIO 44691
02	01	2017 <small>ISSUE DATE</small>	
12	22	2017 <small>FILING DATE</small>	
D1 D2 D6 <small>PERMIT CLASSES</small>			
85	165	B	F19653 <small>RECEIPT NO.</small>

FROM 04/10/2018

AGENCY 837

10851620050 <small>PERMIT NUMBER</small>			BUEHLER FOOD MARKETS INC DBA BUEHLERS MILLTOWN 3540 BURBANK RD WOOSTER OHIO 44691
02	01	2017 <small>ISSUE DATE</small>	
12	22	2017 <small>FILING DATE</small>	
D1 D2 D6 <small>PERMIT CLASSES</small>			
85	165		



MAILED 04/10/2018

RESPONSES MUST BE POSTMARKED NO LATER THAN. 05/11/2018

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 8653889-0065

(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

ORDINANCE NO. 2018-008

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF BURBANK ROAD BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, PAVING, RESURFACING, CONSTRUCTING CURBS, GUTTERS, SIDEWALKS AND DRIVEWAY APPROACHES, CONSTRUCTING A TURNING LANE, INSTALLING STORM SEWERS, CATCH BASINS, MANHOLES, WATER MAINS, FIRE HYDRANTS, AND TRAFFIC CONTROL SIGNS AND DEVICES, AND ACQUIRING ANY REAL ESTATE AND INTERESTS, ALL TOGETHER WITH THE NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

WHEREAS, this Council adopted Resolution No. 2016-54, declaring the necessity of making the improvement described in Section 1 (the Resolution of Necessity) which improvement has been completed and the final cost determined;

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

SECTION 1. The special assessments for the cost and expense of improving Burbank Road, from Highland Avenue to Kinney Road, by grading, draining, widening, paving, resurfacing, constructing curbs, gutters, sidewalks and driveway approaches, constructing a turning lane, installing storm sewers, catch basins, manholes, water mains, fire hydrants, and traffic control signs and devices, and acquiring any real estate and required interests, all together with the necessary appurtenances, all as provided for and described in, and pursuant to, the Resolution of Necessity, amounting in the aggregate to \$116, 784.38, which were filed and are on file with the Clerk of Council, are adopted and confirmed. Those special assessments are levied and assessed upon the lots and lands provided for in the Resolution of Necessity in the respective amounts set forth in the final schedule of special assessments on file, which special assessments are not in excess of any statutory limitation.

SECTION 2. This Council finds and determines that the special assessments do not exceed the actual cost of the improvement and are in the same proportion to the estimated assessments as the actual costs of the improvement are to the estimated costs of the improvement.

SECTION 3. The special assessment against each lot or parcel of land shall be payable, in whole or in part, in cash or by check within 30 days after the passage of this ordinance, or at the option of the owner in fifteen annual installments with interest at the rate of 4.0 % per year, which interest rate is determined by this Council to be substantially equivalent to the fair market rate that would have been borne by securities issued in anticipation of the

**Request for Agenda Item
Non-Capital**

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

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

This is a request to levy assessments for the property owner's portion of the improvements related to the Burbank Road Reconstruction Project.

The Resolution of Necessity (Res. 2016-54) was passed by Council on 11-7-2016. Council approved the recommendations of the Equalization Board on 3-20-2017 with Res. 2017-15. Council also passed the Ordinance to Proceed (Ord. 2017-11) on 3-20-2017.

The project costs paid and estimated at the time of the Res. of Necessity totaled \$2,228,200. Actual, final expenditures upon project completion totaled \$1,514,713.05.

A detailed cost summary and funding allocation summary is attached.

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

Yes, bonds will need to be issued upon finalizing the property owner's unpaid assessment amounts.

Manager Requesting

Date

Approved for Agenda

FINAL COST
and
ONE-THIRD CERTIFICATE

I certify that:

1. Based on actual construction costs for improving Burbank Road from Highland Avenue to Kinney Road by grading, draining, widening, paving, resurfacing, constructing curbs, gutters, sidewalks and driveway approaches, constructing a turning lane, installing storm sewers, catch basins, manholes, water mains, fire hydrants, and traffic control signs and devices, and acquiring any real estate and interests therein required thereby, all together with the necessary appurtenances thereto, in accordance with Resolution No. 2016-54, adopted November 7, 2016 (the Resolution), the aggregate final cost of that improvement, including the costs specified in Section 727.08 of the Revised Code and all other necessary expenditures, is at least \$1,514,713.05.

2. A portion of the costs of the improvement were paid from a grant received by the City. With respect to the remaining costs of the improvement, the portion of those costs to be assessed in accordance with Ordinance No. 2017-11, passed March 20, 2017 (the Ordinance), is \$171,732.44. Accordingly, the remaining amount is allocated to the City pursuant to the Resolution and the Ordinance.

3. The estimated special assessments filed pursuant to the Resolution and approved by the Ordinance have been revised and aggregate in amount of \$116,784.38; those revised assessments do not exceed the actual cost of the improvement and do exceed the limits established in the Resolution and as equalized by the Assessment Equalization Board. Those revised special assessments were filed by me in the office of the Clerk of Council of this City before the commencement of the meeting of City Council on April 16, 2018.

4. No special assessment for the improvement, together with all other special assessments levied within a period of five years preceding the anticipated date of passage of the assessing ordinance for the improvement, exceeds one-third of the actual value of the property, including improvements thereon, as enhanced by the improvement. This certification is based on the revised special assessments and the final costs of the improvement as stated above.

Dated: April 16, 2018



City Engineer
City of Wooster, Ohio

**City of Wooster
Burbank Road Reconstruction
Preliminary Assessment Calculation**

Total Project Costs

Construction Costs	\$1,885,000.00	
Construction Contingency	\$188,500.00	
Surveying and Right-of-Way	\$7,200.00	
Acquisition Services	\$72,500.00	(\$69,500 original + \$3,000 additional)
Acquisition Costs	<u>\$75,000.00</u>	
	\$2,228,200.00	

Total Project Resources

OPWC Grant	\$500,000.00
Water Fund	\$413,625.00
Sanitary Fund	\$64,105.00
Storm Fund	\$241,707.00
Capital Improvements*	\$874,646.16
Assessments (Non-City)*	<u>\$134,116.84</u>
	\$2,228,200.00

*Portion of Parcel 1 assessment (1,030' x \$44/ft x 83% = \$37,615.60) that is the City's responsibility has been removed from the assessments and is included with Capital Improvements.

Total of Assessments (Including City Assessment) = **\$171,732.44**

Percentage of Assessments to Total Project Cost = **7.71%**

Determination of Eligible Assessment Amount

Total Project Costs	\$2,228,200.00
Less Resurfacing at Highland, Kinney to north	(\$60,000.00)
Less Multi-use Path north of Kinney	<u>(\$15,000.00)</u>
Total Reconstruction Project Costs	\$2,153,200.00
Less 2%	(\$43,064.00)
Less Intersection Amounts	<u>(\$240,045.74)</u>
Eligible Assessment Amount	\$1,870,090.26

Project Start:	Sta.	2010
Project End:	Sta.	<u>4100</u>
		2090 feet

Reconstruction Project Cost Per Foot = $\$2,103,200 / 2090 =$ \$1,030.24

Highland Avenue	Sta.	2010
	Sta.	<u>2030</u>
		20 feet

McClure Street	Sta.	2305
	Sta.	<u>2391</u>
		86 feet

Imgard Street	Sta.	3713
	Sta.	<u>3799</u>
		86 feet

Kinney Street	Sta.	4059
	Sta.	<u>4100</u>
		41 feet

Total Intersection Length = 233 feet

**City of Wooster
Burbank Road Reconstruction
Final Assessment Calculation**

<u>Final Total Project Costs</u>	
Construction Costs	\$1,383,841.25
Construction Contingency	
Surveying and Right-of-Way	\$7,470.30
Acquisition Services	\$71,600.50
Acquisition Costs	<u>\$51,801.00</u>
	\$1,514,713.05
Percentage of Preliminary Assessments to Estimated Total Project Cost ¹ =	7.71%
Final Assessment Total (Final Total Project Costs x percentage above) =	\$116,784.38
Total Assessment Footage =	3903.01 ft
Final Assessment per Front Foot =	\$29.92

¹ Estimated total project cost was \$2,228,200 and the total of the preliminary assessments was \$171,732.44.

**CITY OF WOOSTER
Burbank Road Reconstruction**

PRELIMINARY ASSESSMENT CALCULATIONS

Initial Assessment Calculations			Typical Assessment			
Front Footage	Assessment Rate	Total		Annual Payment *	Monthly Rate	Total Payment
50	\$29.92	\$1,496.00		\$134.55	\$11.21	\$2,018.28
100	\$29.92	\$2,992.00		\$269.10	\$22.43	\$4,036.56
200	\$29.92	\$5,984.00		\$538.21	\$44.85	\$8,073.11
500	\$29.92	\$14,960.00		\$1,345.52	\$112.13	\$20,182.78

* Interest Rate = 4.0%
Term in Years = 15

RESOLUTION NO. 2016-54

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE BURBANK ROAD BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, PAVING, RESURFACING, CONSTRUCTING REHABILITATING AND OTHERWISE IMPROVING STORM SEWERS, STORM WATER DRAINAGE FACILITIES, UNDERGROUND CONDUITS, CATCH BASINS, MANHOLES, WATER MAINS, SANITARY SEWERS, FIRE HYDRANTS, CURBS AND GUTTERS, AND ACQUIRING ANY REAL ESTATE AND INTERESTS THEREIN REQUIRED THEREBY, ALL TOGETHER WITH THE NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY

WHEREAS, Council has previously passed a resolution authorizing the City to apply for an OPCW grant for Burbank Road improvements, and OPCW has agreed to provide \$500,000 in grant funding for construction costs of such improvements; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO, three-fourths of all members elected or appointed thereto concurring, that:

SECTION 1. It is declared necessary to improve Burbank Road, from Highland Avenue to Kinney Road, by grading, draining, widening, paving, resurfacing, constructing curbs, gutters, sidewalks, multi-use path, driveway approaches, constructing a turning lane, installing storm sewers, catch basins, manholes, water mains, fire hydrants, and acquiring any real estate and interests required thereby, all together with the necessary appurtenances.

SECTION 2. The plans, specifications, profiles and estimate of cost of the improvement, which the City Engineer has prepared and filed in the office of the Clerk of Council, are hereby approved. The improvement shall be constructed in accordance with the plans, specifications and profiles for the improvement.

SECTION 3. This Council finds and determines that (i) the improvement is conducive to the public health, convenience and welfare of this City and its inhabitants, and (ii) the lots and lands to be assessed as described in Section 4 below are specially benefited by the improvement.

SECTION 4. The City expects that a portion of the costs of the improvement will be paid from grants and contributions received by the City. With respect to the remaining costs of the improvement, the City shall assume and pay as its portion of those remaining costs of the improvement all of those remaining costs in excess of \$44.00 per foot front of those lots and lands to be assessed for the improvement as described below (which City portion exceeds the costs of intersections plus 2% of the costs of the improvement plus 50% of the cost of appropriating any required real estate and interests therein), and the balance of those remaining costs of the improvement shall be assessed by the foot front of the property bounding and abutting upon the improvement upon the following described lots and lands: those lots and lands bounding and abutting upon the improvement on Burbank Road, from Highland Avenue to

Kinney Road, and provided further, however, that each of those assessments shall not exceed \$44.00 per front foot.

SECTION 5. The cost of the improvement shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of damages resulting from the improvement and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, the cost of purchasing, appropriating, and otherwise acquiring therefore any required real estate or interests therein, expenses of legal services including obtaining legal opinions, cost of labor and material, and interest on securities issued in anticipation of the levy and collection of the special assessments, or, if securities in anticipation of the levy of the special assessments are not issued, interest at a rate not to exceed 6% per year on monies advanced by this City for the cost of the improvement in anticipation of the levy of the special assessments, together with all other necessary expenditures.

SECTION 6. The City Engineer is authorized and directed to prepare and file in the office of the Clerk of Council the estimated special assessments of the cost of the improvement described in this resolution. Those estimated special assessments shall be based upon the estimate of cost the improvement now on file in the office of the Clerk of Council and shall be prepared pursuant to the provisions of this resolution. When the estimated special assessments have been so filed, the Clerk of Council shall cause notice of the adoption of this resolution and the filing of the estimated assessments to be served in the manner provided by law on the owners of all lots and lands to be assessed.

SECTION 7. The special assessments to be levied shall be paid according to the following payment schedule: in **fifteen** annual installments, with interest on the unpaid principal amount of each special assessment at the same rate as shall be borne by any securities to be issued in anticipation of the collection of the total of the unpaid special assessments, or, if such securities are not issued, at the rate or rates of interest determined by Council when it passes the assessing ordinance levying those assessments; provided, that the owner of any property assessed may pay the special assessment in cash within 30 days after passage of the assessing ordinance.

SECTION 8. The City presently intends to issue securities in anticipation of the collection of the special assessments in annual installments and in an amount equal to the total of the unpaid special assessments. The remainder of that portion of the cost of the improvement, after application of the special assessments, shall be paid by the issuance of securities in the manner provided by law or from other funds available for that purpose.

SECTION 9. 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 10. 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 is required to be immediately effective in order to provide for the construction of the improvement, which is necessary to eliminate existing hazards to the traveling public and provide for adequate drainage and utility services to the residents of this City; wherefore, this Resolution shall be in full force and effect from and immediately upon its adoption and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council.

1st reading 11/7/16 2nd reading _____ 3rd reading 7

Passed: 11/7/16, 2016 Vote: 7/0

Attest: Chase Sturgeon
Clerk of Council

Michael G. Bytler
President of Council

Approved: November 8, 2016

R. J. Brown
Mayor

Introduced by: Jon E. Ulbright

RESOLUTION NO. 2017-15

A RESOLUTION APPROVING THE REPORT OF THE ASSESSMENT EQUALIZATION BOARD ON OBJECTIONS CONCERNING THE ESTIMATED SPECIAL ASSESSMENTS FOR THE BURBANK ROAD PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the Assessment Equalization Board appointed by Resolution No. 2017-09 to hear and determine all objections to the estimated special assessments for the improvement known as the Burbank Road Project, the necessity for which was declared in Resolution No. 2016-54, has filed its report with this Council as to its determination of the objections;

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

SECTION 1. The report of the Assessment Equalization Board referred to in the preamble to this resolution is approved. The estimated special assessments as reported and approved by that Board shall be filed in the office of the Clerk of Council.

SECTION 2. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 3. This resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City, and for the further reason that this resolution is required to be immediately effective in order to provide for the construction of the improvement, which is necessary to eliminate existing hazards to the traveling public and provide for adequate drainage and utility services to the residents of this City; wherefore, this resolution shall be in full force and effect immediately upon its adoption 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 3/20/17 2nd reading 3/20/17 3rd reading 3/20/17

Passed: 3/20/17, 2017

Vote: 6-0

Attest:

Dejane DePaulo
Clerk of Council

Michael A. Byrd
President of Council

Approved: March 20, 2017

R. F. Brucce
Mayor

Introduced by: Jon E. Ulbright

ORDINANCE NO. 2017-11

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF BURBANK ROAD BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, PAVING, RESURFACING, CONSTRUCTING CURBS, GUTTERS, SIDEWALKS AND DRIVEWAY APPROACHES, INSTALLING STORM SEWERS, CATCH BASINS, MANHOLES, WATER MAINS, FIRE HYDRANTS, AND TRAFFIC CONTROL SIGNS AND DEVICES, AND ACQUIRING ANY REAL ESTATE AND INTERESTS REQUIRED, ALL TOGETHER WITH THE NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

WHEREAS, this Council has adopted Resolution No. 2016-54 on November 7, 2016, declaring the necessity of making the improvement described in Section 1 (the Resolution of Necessity); and

WHEREAS, pursuant to the Resolution of Necessity, the City Engineer prepared and filed in the office of the Clerk of Council the estimated special assessments for that improvement, notices were thereafter served on the owners of all lots and lands to be assessed; and

WHEREAS, Council has adopted a resolution approving the report of the Assessment Equalization Board appointed by Resolution No. 2017-15 adopted on March 20, 2017;

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

SECTION 1. It is determined to proceed with the improvement of Burbank Road, from Highland Avenue to Kinney Street, by grading, draining, widening, paving, resurfacing, constructing curbs, gutters, sidewalks and driveway approaches, installing storm sewers, catch basins, manholes, water mains, fire hydrants, and traffic control signs and devices, and acquiring any real estate and interests required, all together with the necessary appurtenances.

SECTION 2. The improvement shall be made in accordance with the provisions of the Resolution of Necessity, and with the plans, specifications, profiles and estimate of cost previously approved and now on file in the office of the Clerk of Council.

SECTION 3. Any claims for damages resulting from the improvement that have been legally filed shall be inquired into after completion of the improvement, and the Director of Law is authorized and directed to institute legal proceedings in a court of competent jurisdiction to inquire into those claims.

SECTION 4. The portion of the cost of the improvement to be assessed in accordance with the Resolution of Necessity, less the amount to be assumed and paid by the City as an additional part of the City's portion of the cost of the improvement in accordance with the report of the Assessment Equalization Board referred to in the preambles, shall be assessed in the manner and pursuant to the schedule set forth, and on the lots and lands described, in the Resolution of Necessity.

SECTION 5. The estimated special assessments previously prepared and filed in the office of the Clerk of Council, and as equalized by the Assessment Equalization Board, are adopted.

SECTION 6. The Clerk of Council shall deliver a certified copy of this ordinance to the County Auditor within 15 days after its passage.

SECTION 7. Subject to the provisions of Section 727.24 of the Revised Code, the Director of Administration is authorized and directed, as soon as the funds are available, to make and execute a contract for the improvement with the lowest and best bidder after advertising according to law, and the improvement shall be financed as provided in the Resolution of Necessity; provided, however, that the amount to be

assumed by the City as part of the City's portion of the cost of the improvement in accordance with the report of the Assessment Equalization Board shall be paid, as shall be the balance of the City's portion of the cost of the improvement, by the issuance of securities in the manner provided by law or from other funds available for this purpose.

SECTION 8. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 9. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety of the City, and for the further reason that this ordinance is required to be immediately effective in order to provide for the construction of the improvement, which is necessary to eliminate existing hazards to the traveling public and provide for adequate drainage and utility services to the residents of this City; wherefore, this ordinance shall be in full force and effect immediately upon 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 3/20/17 2nd reading 3/20/17 3rd reading 3/20/17

Passed: 3/20/17, 2017 Vote: 6-0

Attest: *Lynne DePaulo* *Michael J. Bystoff*
Clerk of Council President of Council

Approved: *March 20*, 2017 *R. C. Brucce*
Mayor

Introduced by: Jon E. Ulbright

Burbank Road Reconstruction

	Total Costs		Unit Costs	
	Estimate	Actual	Estimate	Actual
Total Project Cost	\$ 2,228,200.00	\$ 1,514,713.05		
Total Assessments	\$ 171,732.44	\$ 116,784.38	\$ 44.00	\$ 29.92
Assessment Percentage	7.7%	7.7%		

Values & Assessments Analysis

Project Parcel #	Current Name and Mailing Address	Service Address	Auditor's Parcel #	Size Ac.	Lot #	Net Take Area	Take Unit Amt.	Take \$ Amt.	Auditor's Value	Third Value	Type/Usage	Assessment Calculation			
												Front Footage	Prelim. Assessment	Adjusted	Net Front Foot \$
												3903.01	\$170,982.52		
1WD 1TV	Wayne County Commissioners 428 W. Liberty Wooster OH 44691	2534 Burbank	67-02564.000	73.0422		0.326			\$2,027,210.00	\$675,736.67	Commercial	2060	\$90,640.00	\$61,635.20	\$29.92
2TV	Tisha Berry 211 Kinney Wooster, Ohio 44691	211 Kinney	67-01520.000	0.3535		0.060			\$139,770.00	\$46,590.00	Single-Family	119.05	\$5,238.20	\$3,561.98	\$29.92
3TV	Barbara Lamoreaux 2825 Burbank Road Wooster OH 44691	2825 Burbank	67-01225.000	0.3838		0.052			\$149,900.00	\$49,966.67	Single-Family	135.76	\$5,973.44	\$4,061.94	\$29.92
4TV	Jeffrey & Michelle Zerrer Not assessed	220 Imgard	67-00764.000												
5TV	Donald & Sharon Battig Not assessed	221 Imgard	67-00859000												
6TV	Marilyn Veres, Trustee 211 Imgard Wooster OH 44691	211 Imgard	67-00858.000	0.6061		0.11800			\$208,600.00	\$69,533.33	Single-Family	219.08	\$9,639.52	\$6,554.87	\$29.92
7TV	William & Jane Taylor 2692 Taylor Drive Wooster, Ohio 44691	Burbank Road	67-02103.004	0.426		0.0034			\$11,700.00	\$3,900.00	Other	105.68	\$4,649.92 \$3,900.00	\$3,161.95	\$29.92
8TV 8TV1	Excalibur Family LLC PO Box 662 Wooster, Ohio 44691	Burbank Road Burbank Road	67-02103.000 67-02103.003	0.3719 0.3657		0.027 0.036			\$14,870.00 \$14,960.00	\$4,956.67 \$4,986.67	Vacant Land Vacant Land	90 90	\$3,960.00 \$3,960.00	\$2,692.80 \$2,692.80	\$29.92 \$29.92
8TV2	William & Jane Taylor 2692 Taylor Drive Wooster, Ohio 44691	Burbank Road	67-02103.006	0.5426		0.092			\$68,580.00	\$22,860.00	Vacant Land	165.39	\$7,277.16	\$4,948.47	\$29.92
9TV	David & Judy Costa 2647 Burbank Road Wooster, Ohio 44691	2647 Burbank	67-01438.000	0.3434		0.020			\$137,090.00	\$45,696.67	Single-Family	85	\$3,740.00	\$2,543.20	\$29.92
10TV	Richard & Laurie Harsh 2635 Burbank Road Wooster OH 44691	2635 Burbank	67-01443.000	0.32		0.020			\$140,290.00	\$46,763.33	Single-Family	85	\$3,740.00	\$2,543.20	\$29.92
11TV	Jeffrey Moore 2623 Burbank Road Wooster, Ohio 44691	2623 Burbank	67-01440.000	0.2947		0.025			\$107,030.00	\$35,676.67	Single-Family	85	\$3,740.00	\$2,543.20	\$29.92

Project Parcel #	Current Name and Mailing Address	Service Address	Auditor's Parcel #	Size Ac.	Lot #	Net Take Area	Take Unit Amt.	Take \$ Amt.	Auditor's Value	Third Value	Type/Usage	Front Footage	Prelim. Assessment	Final Assessments	Net Front Foot \$
12TV	E. Carolyn Moore 2601 Burbank Road Wooster OH 44691	2601 Burbank	67-01442.000	0.2872		0.030			\$149,790.00	\$49,930.00	Single-Family	90	\$3,960.00	\$2,692.80	\$29.92
13TV	Roger Buschur Jr. 2589 Burbank Road Wooster OH 44691	2589 Burbank	67-01441.000	0.2603		0.028			\$114,860.00	\$38,286.67	Single-Family	90	\$3,960.00	\$2,692.80	\$29.92
14TV	Roberta Karl 2579 Burbank Road Wooster OH 44691	2579 Burbank	67-01439.000	0.2617		0.029			\$105,930.00	\$35,310.00	Single-Family	95	\$4,180.00	\$2,842.40	\$29.92
15TV	Timothy & Rachelle Godek 220 McClure Wooster OH 44691	220 McClure	67-01445.000	0.3797		0.104			\$129,730.00	\$43,243.33	Single-Family	119.17	\$5,243.48	\$3,565.57	\$29.92
16TV	Thomas & Kimberly Lockard 221 McClure Wooster, Ohio 44691	221 McClure	67-01452.000	0.3926		0.042			\$133,700.00	\$44,566.67	Single Family	129.36	\$5,691.84	\$3,870.45	\$29.92
17TV	Clara Keim 2421 Burbank Wooster, Ohio 44691	2421 Burbank	67-02004.000	0.2653		0.081			\$89,840.00	\$29,946.67	Single-Family	70	\$3,080.00	\$2,094.40	\$29.92
18WD 18TV	Hang Your Hat Homes LLC 2247 Friar Tuck Circle Wooster, Ohio 44691	120 E. Highland	67-00062.000	0.4624		0.003			\$118,400.00	\$39,466.67	Single-Family	69.52	\$3,058.88	\$2,080.04	\$29.92

Notes: All dimensions are from tax maps or the auditor's records unless otherwise noted.
Dimensions shown in red are partial improvements, frontage distances were scaled from the right-of-way plan.
Dimensions shown in blue are from the right-of-way plan due to significant alignment changes.

**Request for Agenda Item
Non-Capital**

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

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

Comprehensive amendments to the Part 11 of the Codified Ordinances, Planning and Zoning Code, amendments to the Official City of Wooster Zoning Map, and the repeal of Chapter 155 of the Codified Ordinances, Design and Review Board.

At the 3-28-18 meeting of the City of Wooster Planning Commission a public hearing was held on the proposed amendments. At the meeting, a motion was made to recommend approval of application PC-18-09 for the comprehensive amendments to the Planning and Zoning Code and Zoning Map, as presented. The motion was unanimously approved by the Planning Commission, 7-0.

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

No

Manager Requesting

Date

Approved for Agenda



CITY OF WOOSTER
Planning and Zoning Division
538 North Market Street Wooster, OH 44691
Phone: 330-263-5238

March 29, 2018

Dear Andrew Dutton,

At the 03-28-2018 meeting of the City of Wooster Planning Commission, a motion was made to recommend approval of application PC-18-09, The City of Wooster is requesting an approval recommendation from the Planning Commission to City Council for comprehensive amendments to Part Eleven of the City of Wooster Codified Ordinances – Planning and Zoning Code – and the Official Zoning Map, as presented.

The motion received the necessary votes and the application will be forwarded to City Council with a recommendation of approval from the Planning Commission.

This action of the Planning Commission does not constitute approval of a Zoning Certificate, Variance, Building Permit, Engineering Development Permit, or other application required by the City of Wooster Codified Ordinances.

Please feel free to contact me at (330) 263-5238 or adutton@woosteroh.com if you have any questions or need any further information.

Sincerely,

Andrew Dutton
Planning and Zoning Manager

PLANNING COMMISSION APPLICATION INFORMATION SHEET

Application Number

PC-18-09

Scheduled Meeting Date

03-28-2018

Application Type

Zoning Amendment - Text and Map

Applicant

City of Wooster - Andrew Dutton

Applicant's Project Description

A comprehensive amendment of the Planning and Zoning Code and Zoning Map.

Agenda Text

The City of Wooster is requesting an approval recommendation from the Planning Commission to City Council for comprehensive amendments to Part Eleven of the City of Wooster Codified Ordinances – Planning and Zoning Code – and the Official Zoning Map



CITY OF WOOSTER

Planning and Zoning Division

538 North Market Street Wooster, OH 44691
Phone: 330-263-5235 Fax: 330-263-5274

MEMORANDUM

DATE: April 3, 2018

TO: City Council

FROM: Andrew Dutton, Planning and Zoning Manager

RE: Comprehensive Planning and Zoning Code and Zoning Map Amendment

Over the last year, the Planning and Zoning Division and Compass Point Planning have been drafting comprehensive amendments to the Planning and Zoning Code and Zoning Map. Drafts have included review and input from the project steering committee, Planning Commission, general public, and City Council's Laws and Ordinances Committee.

Updates of this scale are typically conducted approximately every 10 years. The last comprehensive amendment took place in 2007, which was a complete rewriting of the code and map. Such significant changes were necessary in order to modernize the code and map, which had not been completely updated since 1991. The current proposed amendments contain significant changes to the Planning and Zoning Code and Zoning Map, but are not as extensive as the amendments in 2007. Changes to specific chapters are discussed in further detail on the following pages, however, the most significant proposed changes include:

- Planning and Zoning Code Reorganization – The entire code was reorganized to incorporate a sensible structure which improves usability. Overall, the code has been reduced in size by 71 pages as many redundant regulations were combined and restructured.
- Design and Review Board Chapter – Chapter 155, which regulates the Design and Review Board, has been incorporated into the Planning and Zoning Code. The Design and Review Board is part of the Development review process for properties which are designated Landmarks, located within Landmark Districts, or located in the C-4 Zoning District. The responsibilities of the Board, review procedures and design criteria have been relocated to the appropriate chapters of the updated code.
- Planning Commission – The Planning Commission was reduced from 9 to 7 members and terms were reduced from 6 to 3 years. These changes are consistent with other City of Wooster Boards, common practices nationwide, and provide a more suitable Commission makeup.
- Sign Chapter - Significant changes were made to the Sign Chapter of the code. The impetus of the changes was a recent a US Supreme Court case, Reed v. Town of Gilbert, which has affected the ways in which jurisdictions may regulate signage. In general, the physical characteristics of a sign can be regulated (size, height, lighting, etc.), while the regulation content of the message conveyed in a sign is limited. Though substantial changes have been proposed, most dimensional regulations such as permitted sign area, height, and setback are unchanged or only slightly modified.

- Planned Districts Chapter – The current Planned Development Overlay District (PDOD) is extremely complicated, length, and is thus rarely utilized. The Planned Development Districts chapter was rewritten to be more usable, condensed, and flexible for both developers and the City.
- Medicinal Marijuana – At the direction of Council’s Laws and Ordinances Committee, regulations regarding Medicinal Marijuana were incorporated into the Principal Use Regulations and Definitions chapters of the code. The proposed code allows Medicinal Marijuana Dispensaries as a conditional use in the General Commercial (C-3) district and allows Medical Marijuana Cultivation, Testing and Processing as a conditional use in the Office/Limited Industrial (I-1) district and as a permitted use in the General Industrial (I-2) district. In addition, state law prohibits any Medicinal Marijuana facility from being located within 500 feet of a school, church, public library, public playground, or public park
- Zoning Districts – The following changes were made to zoning districts:
 - All manufacturing districts (M-#) were renamed to industrial districts (I-#).
 - The current General Manufacturing (M-2) and Open Space/Heavy Manufacturing (M-4) districts were combined into the new General Industrial (I-2) district. There are currently only two properties zoned M-4 and regulation as I-2 is consistent with their current or likely future use.
 - The current Neighborhood Commercial (C-2) and Community Commercial (C-3) districts were combined into the new Community Commercial (C-3). The current districts were similar and the combined district includes features of both.
 - The Campus, Professional, Research, and Office (CPRO) district was eliminated. Only two properties are zoned CPRO and the cumbersome regulations of the district are not easily applied.
 - The Manufactured Home Park (R-5) district was discontinued. The existing two manufactured home parks are permitted to remain as conforming and include regulations, however, no new R-5 districts may be created.

On the following pages, I have included further detail of amendments to the Planning and Zoning Code and Map. Please contact me if you have any questions, initial input or need any clarification.

Chapter 1101: General Provisions

There were no major changes to General Provisions. However, Section 1101.10, Transitional Rules, was drafted to address how pending applications under review when the new code goes into effect will be handled.

Chapter 1103: Administration and Decision Making Authorities

The chapter includes responsibilities, composition, and review procedures for City Council, Boards and Administrative Staff. The chapter includes the following noteworthy changes:

- The Planning Commission was reduced from 9 to 7 members and terms were reduced from 6 to 3 years. These changes were consistent with other City of Wooster Boards, common practices nationwide, and provide a more suitable Commission makeup.
- Design and Review Board requirements have been incorporated into this chapter from existing Chapter 155.
- Rules for each review Board (Planning Commission, Board of Building and Zoning Appeals, and the Design and Review board) are outlined. However, a section for General Rules and Regulations for Review Boards has also been incorporated, which applies to all Boards.
- The chapter proposes language that allows appeals of decisions of the Planning Commission and Design and Review Board to be made to the Board of Building and Zoning Appeals. Currently, appeals are immediately subject to ORC Chapter 2506, which is heard before the Court of Common Pleas.

Chapter 1105: Review Procedures

The chapter incorporates all review procedures and addresses a number of other items, including:

- A single section of common review standards will be applicable to all applications. It is a consolidation of many sections which are currently spread out in the code.
- Submittal requirements have been removed from the code and will be established and maintained by staff to allow for more flexibility.
- Resubmission of a denied application by staff or a Board has been a point of discussion. The incorporated text requires that any resubmission must adequately address all reasons for denial of the previous application.
- Review procedures include a step-by-step format, which is helpful to both staff and applicants.

Chapter 1109 – Principal Use Regulations

The chapter integrates all principal use regulations which are currently found throughout the code. Columns of Table 1109-1 include all principal uses, zoning districts, and a reference to applicable use-specific standards.

- Overall, uses and their permitted districts are similar to current regulations.
- Medicinal Marijuana Dispensaries are allowed as a conditional use in the General Commercial (C-3) district and Medical Marijuana Cultivation, Testing and Processing are allowed as a conditional use in the Office/Limited Manufacturing (I-1) district and as a permitted use in the General Commercial (I-2) district.
- The use-specific standards include regulations to ensure certain uses are compatible and appropriate. Some of the more extensive use-specific standards relate to Cluster Residential Developments, Adult Uses, and Wireless Telecommunication Facilities.

Chapter 1111 – Planned Districts

The chapter is a complete rewrite of the current planned development chapter which is somewhat unclear, lengthy (28 pages), and difficult to apply. The proposed planned development chapter is simplified, significantly shortened, and allows more flexibility. It includes development standards and guidelines, review procedures, and review criteria.

Chapter 1113 – Accessory and Temporary Use Regulations

The chapter integrates all accessory and temporary use regulations into one single chapter. Columns of Tables 1113-1 and 1113-2 include all accessory and temporary uses, zoning districts, permitted placement, and the location of use-specific standards (if applicable).

- The tables include regulations for a number of minor accessory uses and structure which are currently not regulated, or where regulation is not clear. Such uses/structures include basketball hoops, accessibility ramps, community gardens, solar panels, etc.
- Fencing regulations, which are scattered throughout the current code, were consolidated in this chapter. There were a number of adjustments to fencing regulations, including the following:
 - The current code requires that fences on a single lot must be the same style, color and finish. Due to challenges with practical application and effectiveness, revised regulations include a similar requirement when fencing is visible from a public street.
 - Changes were made to allow industrial fence types in industrial districts and remove unnecessary buffering of fences.
 - Regulations for retaining walls were added.
- Raising of small livestock was incorporated allowing up to 6 such animals at a single-family residence.

Chapter 1115 – Site Development Standards

The chapter incorporates extensive details regarding types of lots and how they are regulated, which is not found in the current code. Many graphics were incorporated to assist the user, which is extremely helpful. In addition, the chapter also includes development standard tables for all zoning districts. These tables contain regulations for lot size, setbacks, building height, etc. Changes to development standards include:

- Single Family Residential Districts – Lot and building coverage maximums were increased. There have been a number of variances granted to the relatively stringent lot coverages in the current code, particularly in the R-T district.
- Multi-Family Residential Districts – Minimum lot size was reduced from an arbitrarily large size found in the current code.
- Commercial Districts – Current C-2 and C-3 districts were combined to the new C-2 district. Standards of the new district are a hybrid of the former districts.
- Industrial Districts – The current code incorporates a confusing and unnecessary format of regulating industrial developments on “Existing Streets” and “New Streets”. The proposed code uses the “Existing Streets” regulations and combines the former M-2 and M-4 districts into the new I-2 district.

Chapter 1117 – General Development Standards

The chapter incorporates a number of general standards that are currently located in various other chapters of the code:

- Performance Standards – Includes revisions to public safety and nuisance regulations. Many of these standards are currently only noted in industrial districts, but have been revised to apply to all districts.
- Environmental Protection – Regulations regarding such environmental subjects as wetlands, steep slopes, and floodplain were included with minimal changes. Regulations for a riparian corridor setback, required by the City’s Engineering Division, have been incorporated by reference.
- Exterior Lighting – Regulations for exterior lighting have been modified and simplified.

Chapter 1119 – Architectural and Historic Preservation Standards

The chapter incorporates architectural standards applicable to standard zoning districts and specific regulations for Landmark Districts:

- Architectural Standards – Architectural standards for properties in the R-T district were considerably strengthened. In addition, new standards for multi-family dwellings were added which address focus

on requirements for design features on front facades. Architectural standards for buildings in commercial districts were revised from current requirements and incorporate a number of graphics.

- **Historic Preservation Standards** – Review standards and guidelines were relocated to this chapter and revised. A new section was incorporated that affords the Design and Review Board flexibility for non-historically significant buildings located in Landmark Districts.

Chapter 1121 – Open Space Standards

The chapter incorporates a number of open space standards which are currently found throughout the code. Open space standards for large single-family developments have been incorporated.

Chapter 1123 – Landscaping and Buffering

The chapter has been reorganized and modified including the following:

- The Site Landscaping section includes regulations found in a number of existing sections. Changes allow Commercial Districts to require slightly less landscaping and Industrial Districts to require significantly less landscaping than the existing code. Interior parking lot landscaping sections were rewritten and modified for usability.
- A section allowing modifications to buffering and screening requirements was included to allow flexibility.

Chapter 1125 – Parking, Access and Mobility Standards

The chapter modifies and reorganizes the current similar chapter of the Planning and Zoning Code. Notable changes or additions include:

- Changes were made to setbacks due to the reorganization of zoning district (C-2 and C-3 were combined to the proposed C-2 district and M-4 was incorporate into the proposed I-2 district).
- The number of off-street parking spaces required was modified for many uses to reflect real-world conditions. To allow for flexibility, a 10% reduction of parking space requirements was permitted and uses which vary greatly in their parking demand were allowed to be adjusted by the Zoning Administrator with provided documentation.
- Sidewalks requirements were altered and relocated from the current code to apply clearly to all subdivisions and developments.

Chapter 1127 – Signage

The chapter includes significant changes, much of which stems from the previously noted Reed v. Town of Gilbert case, which has affected the ways in which jurisdictions may regulate signage. In general, the physical characteristics of a sign can be regulated (size, height, lighting, etc.), while the content of the message conveyed in a sign is limited. Therefore, sections related to signs which are instructional, related to real estate, related to garage sales, etc. were removed.

- Administrative sections were revised, but maintain the majority of the current code language. The requirement of all nonconforming signs to comply with the applicable code at a predetermined date was removed.
- Sections regarding electronic message center signs (EMC) were altered as necessary, per the noted Reed case.
- Graphics were added to assist users in the calculation of sign area.
- Permanent nonresidential building signs (Wall, window, awning, etc.) requirements were revised to allow signage on any elevation and the requirement for window signs to obtain a sign permit was removed. General area and height requirements for building signs remain unchanged, other than the combination of C-2 and C-3 district requirements.

- Permanent nonresidential freestanding sign regulations were revised to include provisions for “signs at driveway entrances or intersections” and “drive-thru signs” rather than content based regulations. General area and height requirements for freestanding signs were unchanged.
- The temporary sign sections saw significant revisions due to the Reed case.
 - Limited regulations were incorporated for Temporary signs without a commercial message, such as political signs. Such signs without a commercial message were permitted be displayed without a time limit or sign permit.
 - Requirements for temporary signs in nonresidential districts allow a small amount of signage without a time limit and additional larger temporary signage on a limited basis.

Chapter 1129 – Subdivision Design

The chapter incorporates standards from a number of existing chapters such as circulation, utilities, and subdivisions. Most changes are reorganization or due to technical or procedural issues.

Chapter 1131 – Nonconformities

Though reorganized, the chapter is similar to the current chapter of the code. Regulations were revised to allow nonconforming single-family homes to be rebuilt in any district, which will alleviate concerns from lending institutions when mortgaging such homes.

Chapter 1133 – Enforcement and Penalties

With the exception of relocating and restructuring, minimal changes were made to this chapter.

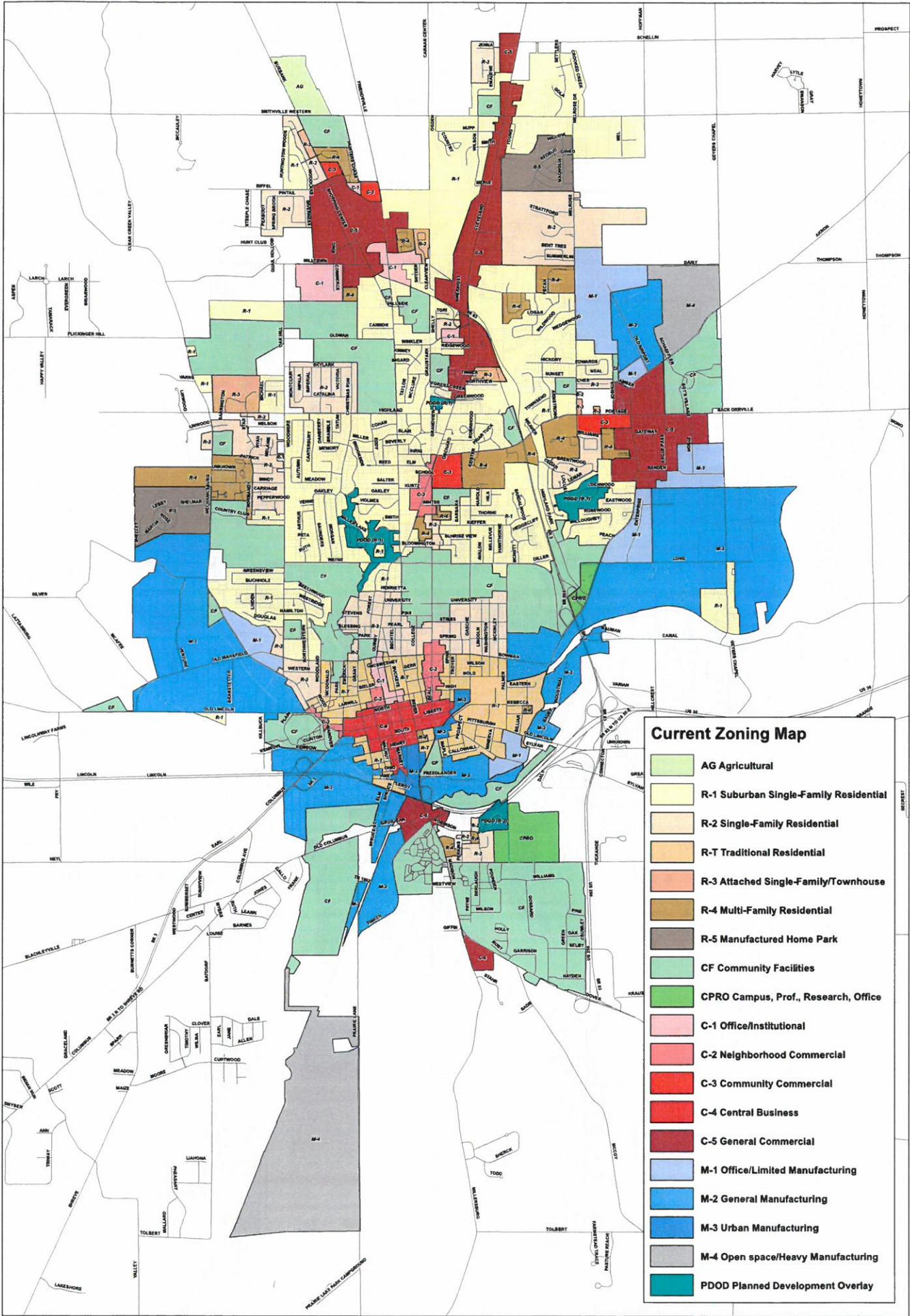
Chapter 1135 – Definitions

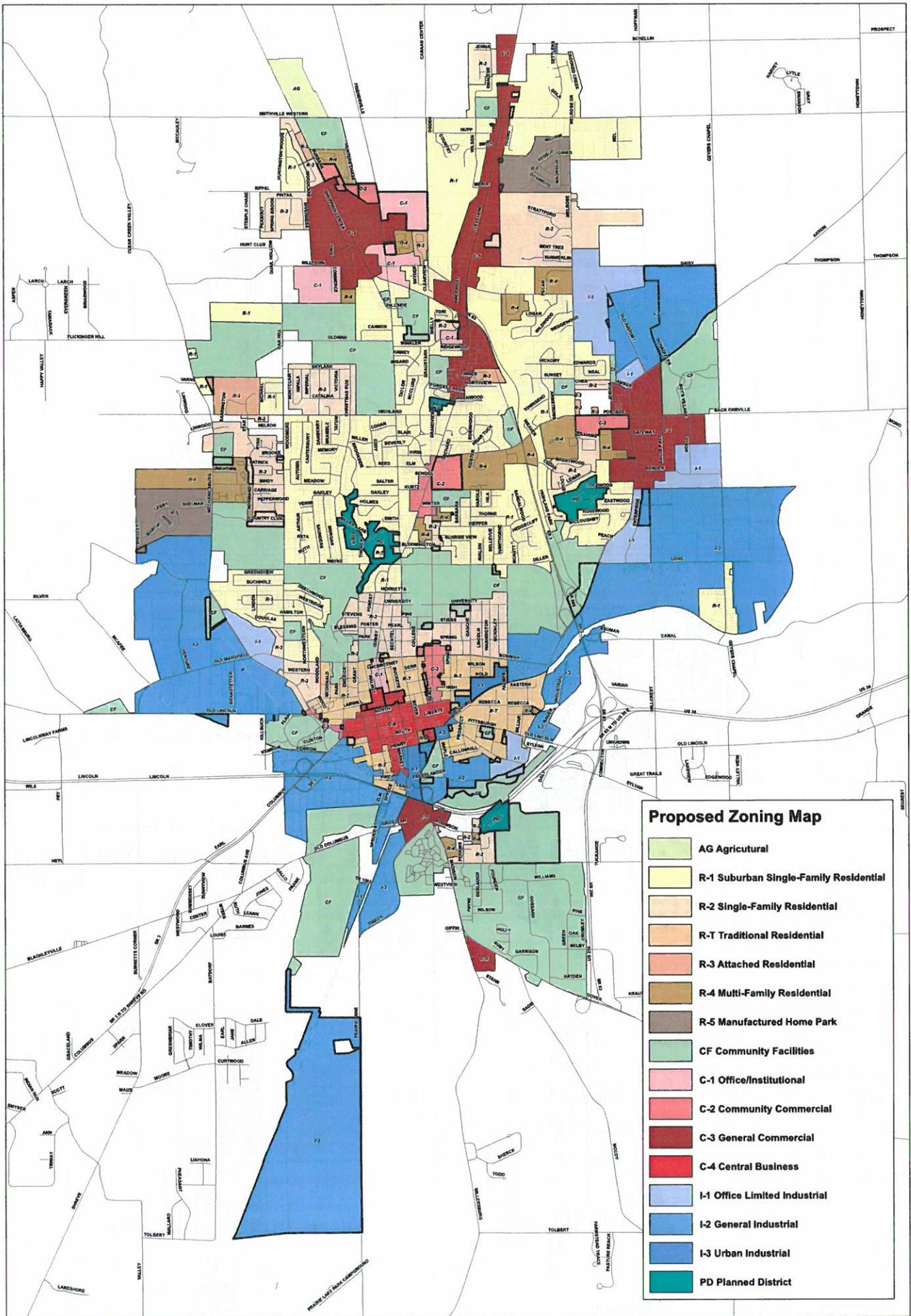
The definitions chapter was rewritten to correspond with terms used in the Planning and Zoning Code. Though lengthy at 41 pages, the chapter was needed to encompass all necessary terms. In particular, all uses were defined, which is a deficiency in the current code

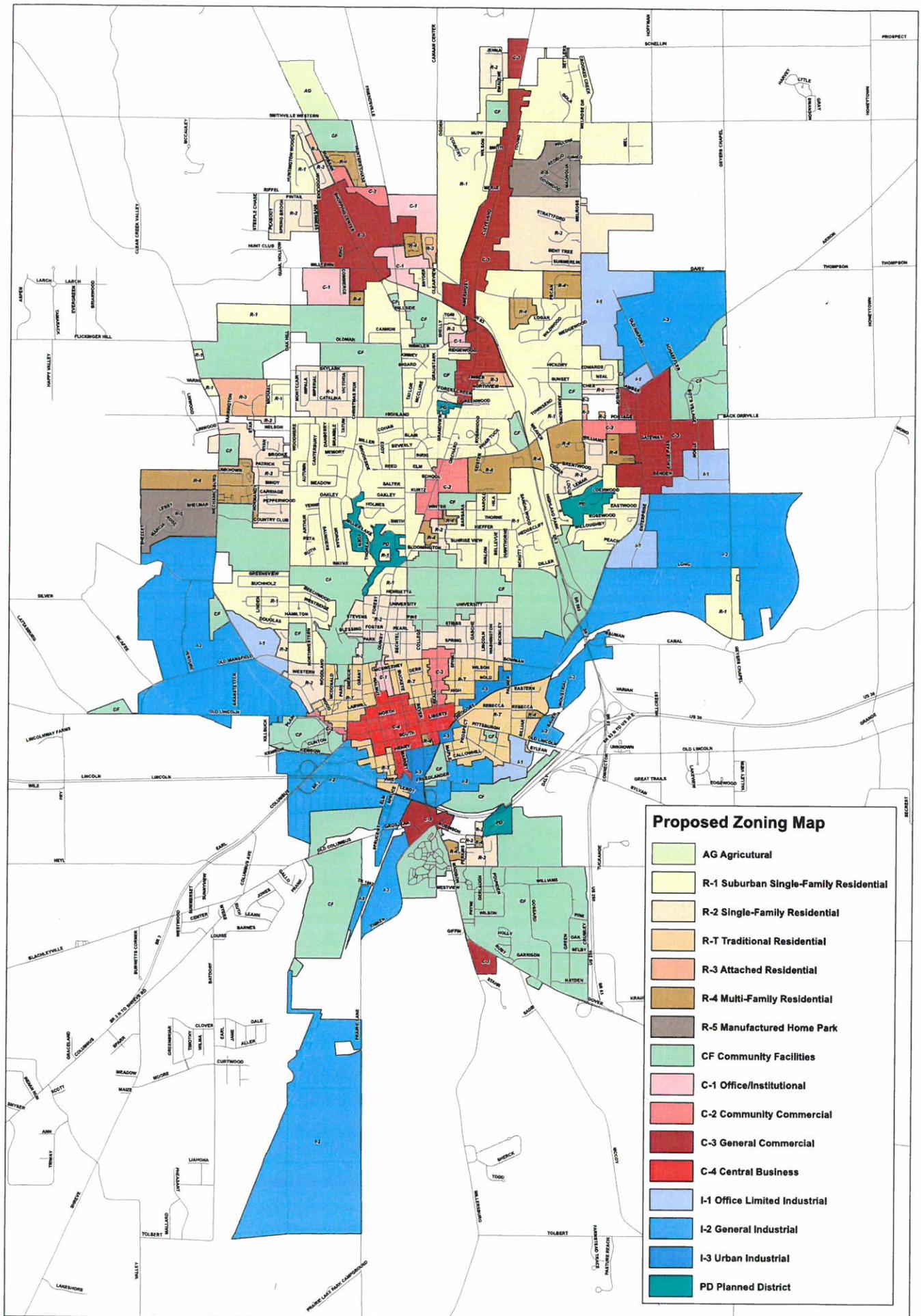
Zoning Map

The proposed Zoning Map incorporates the following significant changes:

- There were a number of changes in name only as the General Commercial District was change from C-5 to C-3 and Manufacturing Districts were changed from M-1, M-2 and M-3 to I-1, I-2 and I-3.
- Existing C-2 and C-3 districts were combined into a new C-2 (Community Commercial) district. The two existing M-4 district properties were absorbed into the I-2 (General Industrial) district.
- Many minor changes were proposed to place various properties in a more appropriate zoning district. These modifications were necessary in order to correct errors in the current Zoning Map and to address changing conditions which have occurred since 2007.
- Based on steering committee recommendations, the C-4 (Central Business) district was expanded north and southeast of downtown.
- Two properties along Riffel Road were changed from current C-5 and C-1/C-5 (split zoned) to proposed C-2 (Community Commercial). The properties are adjacent to current C-5 zoning to the south and west and R-4 to the north and east. The C-2 zoning provides a better transition and accommodates current and likely future uses. Property on the east side of Friendsville Road was changed from R-1 to C-1 (Office/Limited Commercial). The proposed modification was due to changing conditions in the area, recommendations of the comprehensive plan, and likely future land uses.







Proposed Zoning Map

- AG Agricultural
- R-1 Suburban Single-Family Residential
- R-2 Single-Family Residential
- R-T Traditional Residential
- R-3 Attached Residential
- R-4 Multi-Family Residential
- R-5 Manufactured Home Park
- CF Community Facilities
- C-1 Office/Institutional
- C-2 Community Commercial
- C-3 General Commercial
- C-4 Central Business
- I-1 Office Limited Industrial
- I-2 General Industrial
- I-3 Urban Industrial
- PD Planned District





Robert F. Breneman, Mayor

CITY OF WOOSTER

538 N. Market Street
P.O. Box 1128
Wooster, Ohio 44691-7082

Linda Applebaum

Director of Law
Phone: (330) 263-5248
Fax: (330) 263-5247
Email: lapplebaum@woosteroh.com

MEMORANDUM TO COUNCIL: 4/12/18

From: Linda Applebaum

RE: Contract with the Prosecutor's Office for Prosecution Services

Our contract with the Prosecutor's Office is expiring and legislative authority for another year's contract is now before Council for consideration.

Under state law, O.R.C. 1901.34, city directors of law, or other similar chief legal officers, are responsible for prosecuting all criminal cases brought before their municipal court's jurisdiction. This statute, at R.C. 1901.34(D), also allows a municipality to enter into an agreement with the County Prosecutor for such prosecution services.

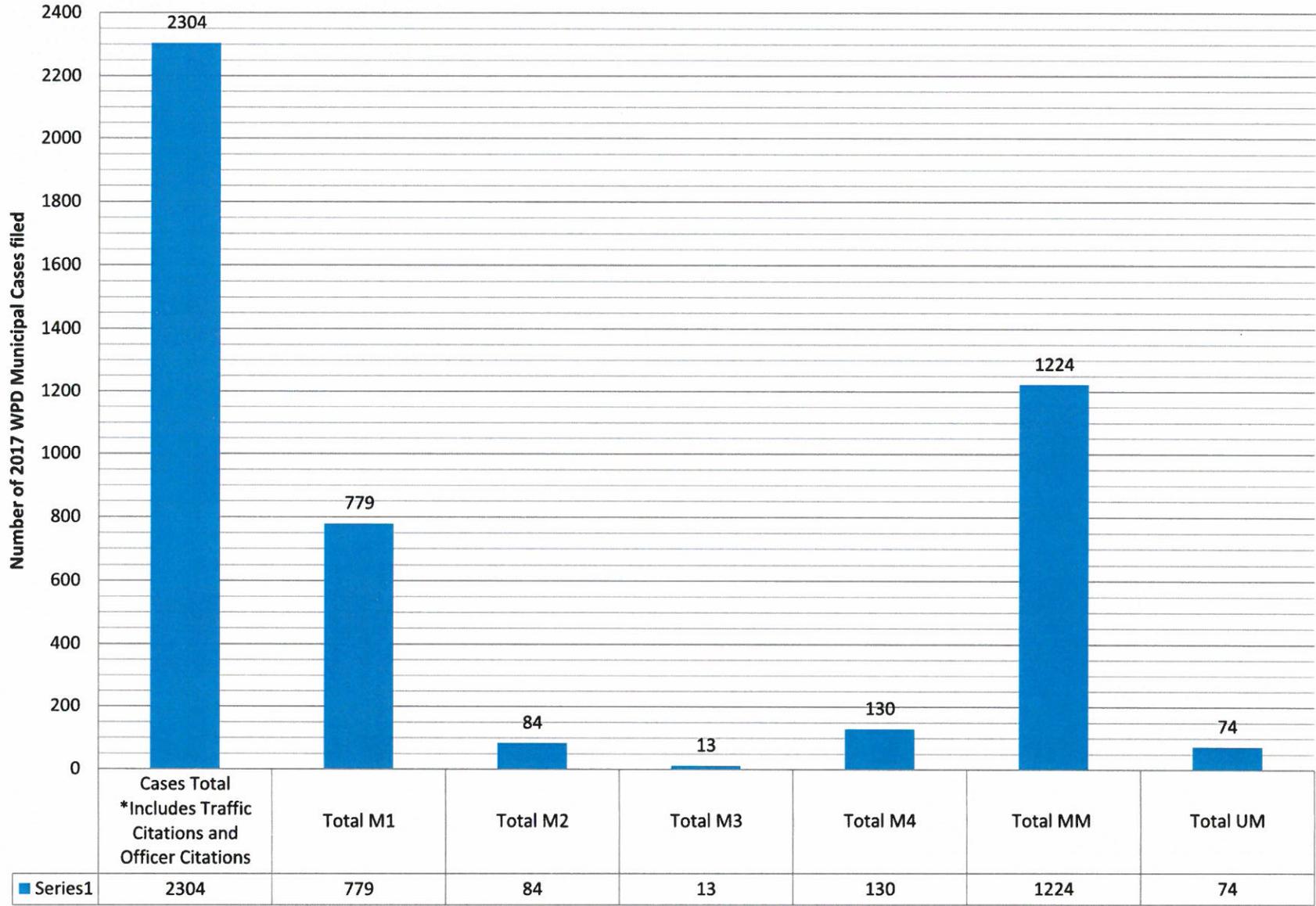
For decades, the City has entered into a yearly contract with the Wayne County Prosecutor's Office for misdemeanor prosecutions services. Last year's contract was for \$75,000. Due to a four percent (4%) increase in pay for all Wayne County Prosecuting Attorneys for 2018, the Prosecutor's office is now seeking \$79,980.00, payable in equal monthly installments of \$6,665.00, for this year's contract.

During last year's contract period, prosecuting attorneys reviewed over 2,611 police reports, prosecuted over 1006 cases, which consisted of a total of 130 M4, 13 M3, 84 M2, and 779 M1 cases. There were also a total of 1,298 MM cases, which are, by and large, waiverable offenses. I've also attached some graphs from the Prosecutor's Office, which shows a breakdown of WPD cases for both traffic and general criminal misdemeanors.

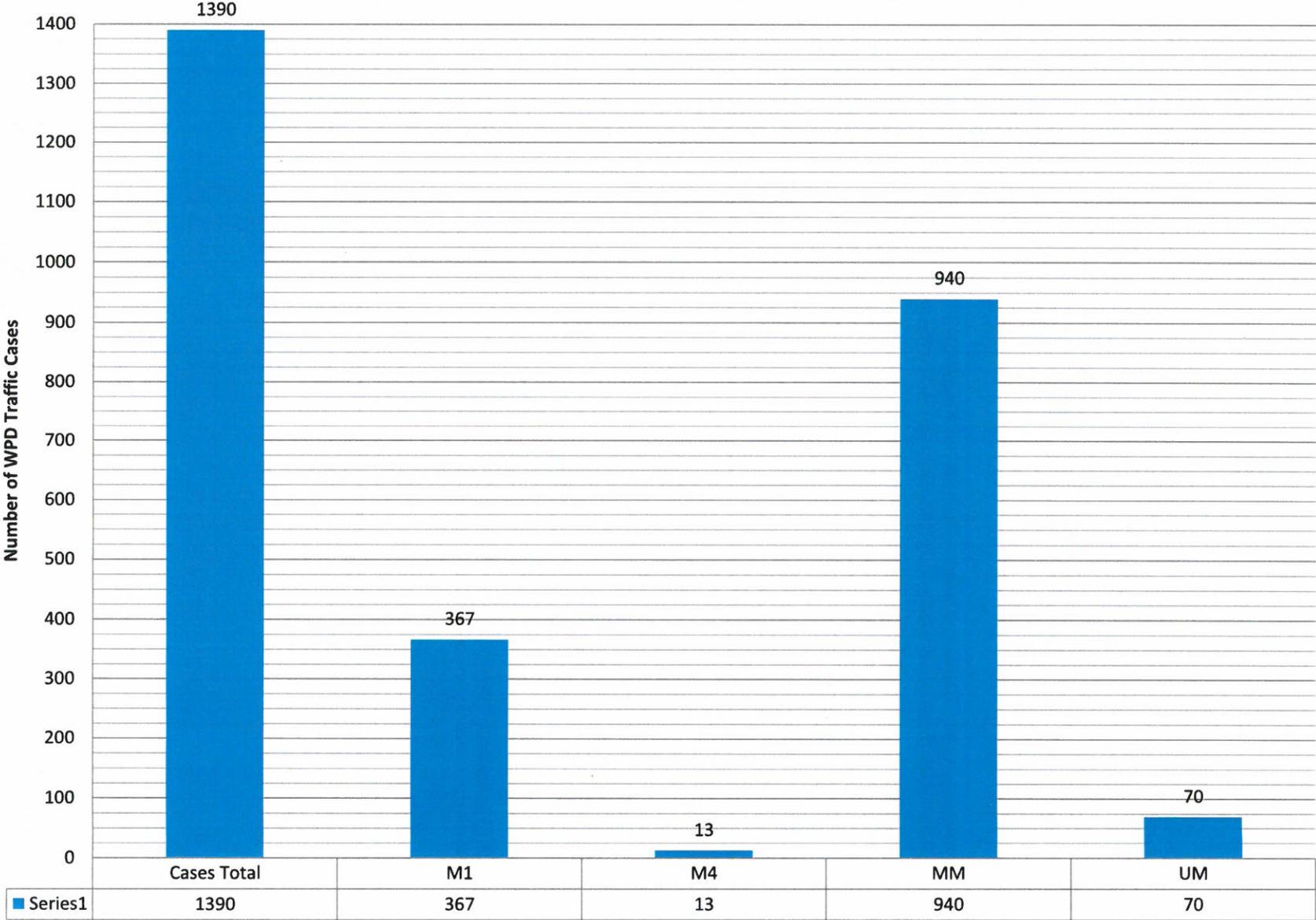
Other than hiring the Wayne County Prosecutor's Office, the City could hire a full-time employee-prosecutor and additional legal secretary or hire two part-time employee-prosecutors. The former option would cost the City \$140,000 to \$160,000 a year, while the latter alternative would likely be less than our current costs (< \$80,000). However, in order to hire two part-time employee-prosecutors, the Wayne County Municipal Court (and Judges) would have to arrange for Wooster cases to be scheduled for no more than two designated days of the week, which is a common arrangement for many cities in other counties.

Because the Wayne County Municipal Court currently requires prosecutors to be present at arraignments, which are now randomly scheduled for any day of the week, two part-time prosecutors could be responsible for covering cases five days a week. So this option is not feasible for under \$86,000. Therefore, I am recommending that Council grant authority for this year's contract.

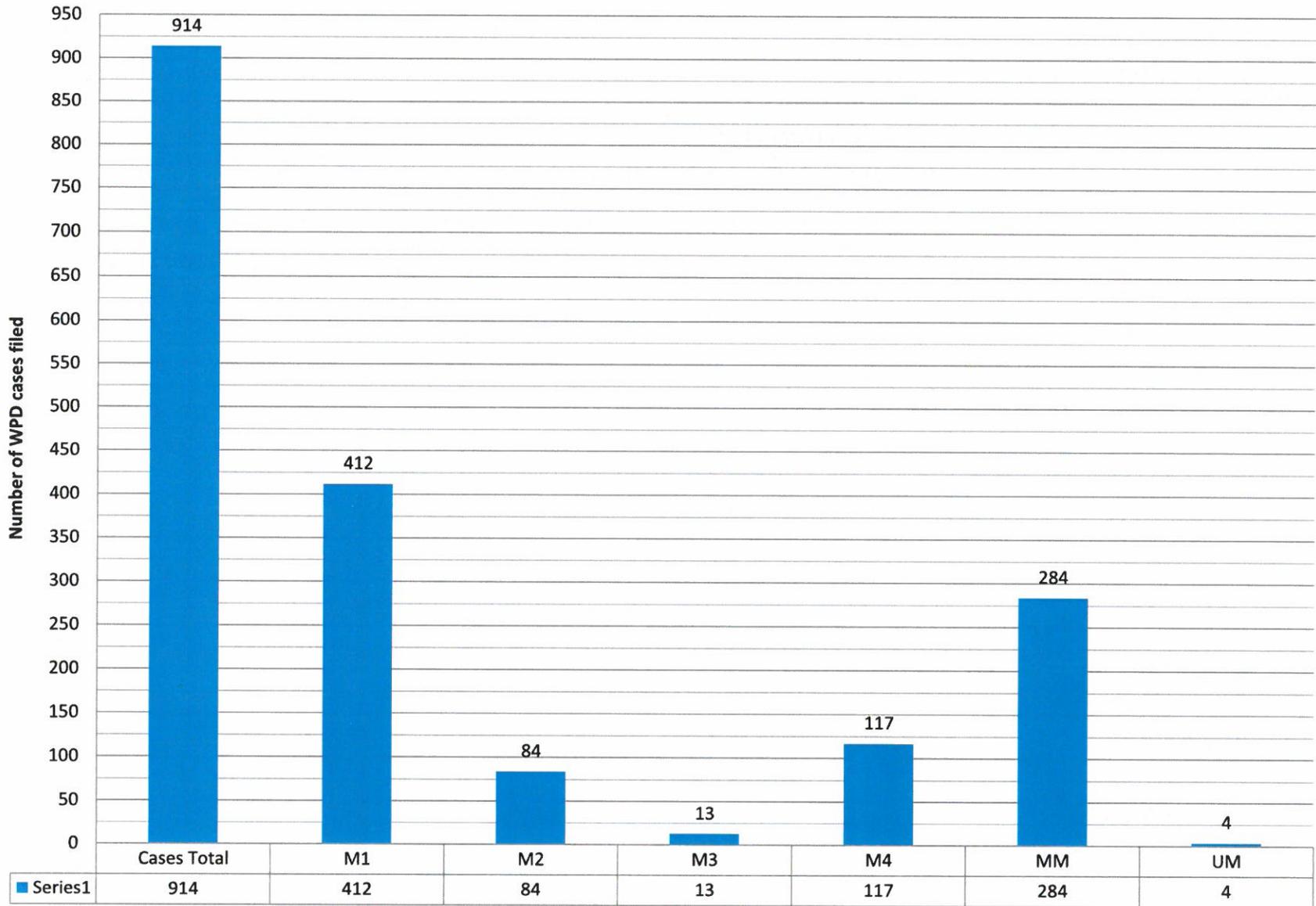
2017 WPD Municipal Cases filed in the Wayne County Municipal Court



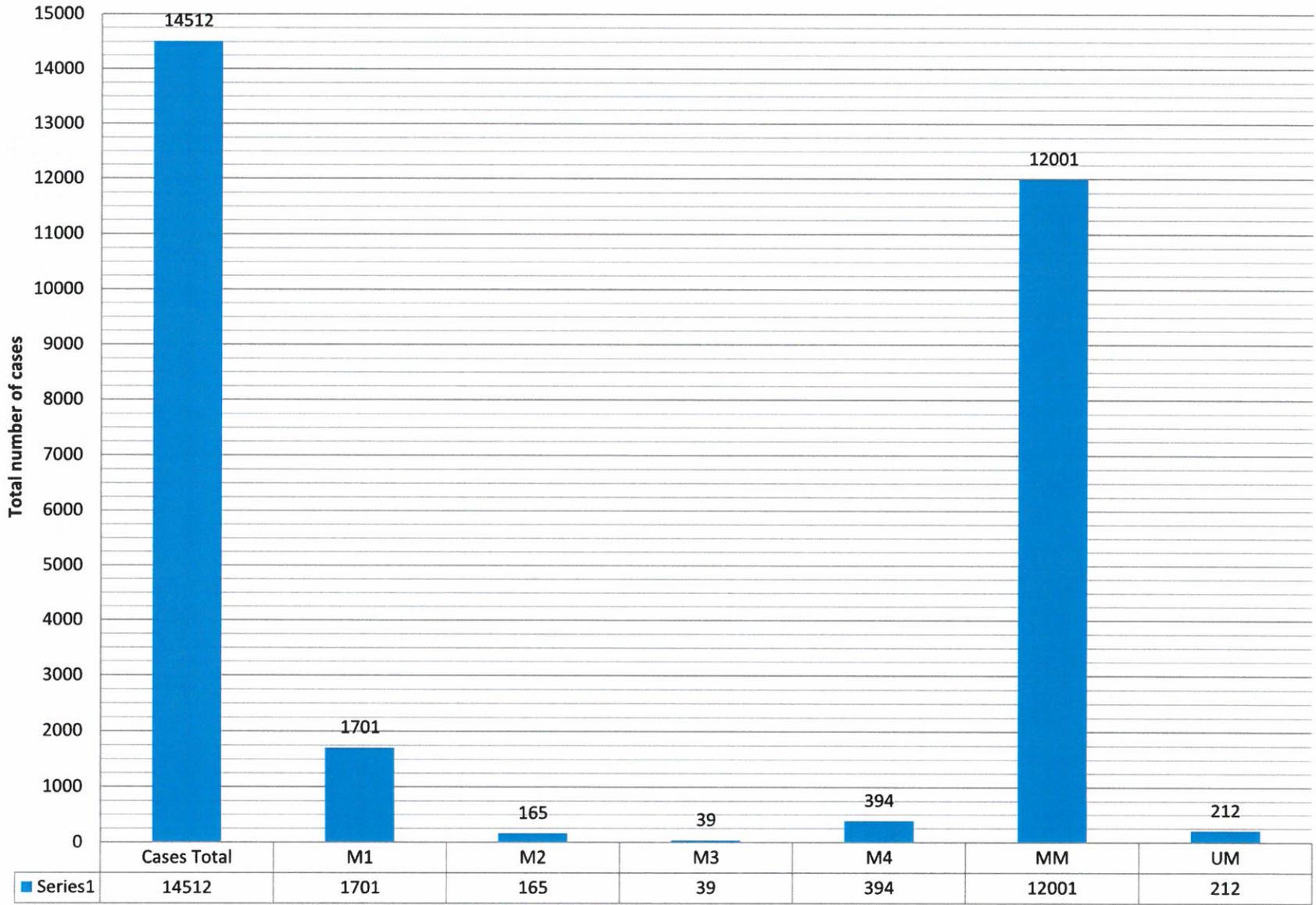
2017 WPD Traffic Cases filed in the Wayne County Municipal Court



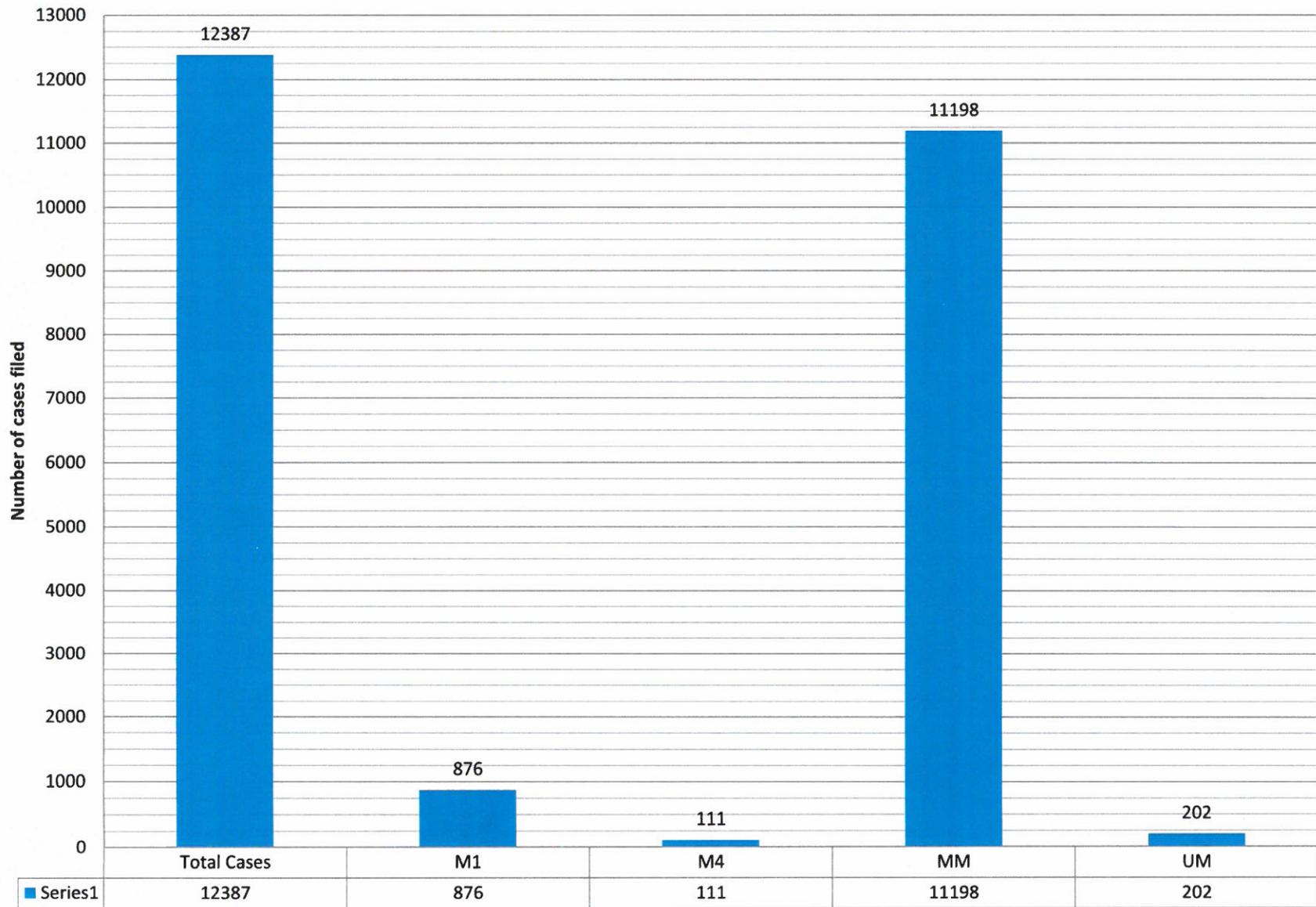
2017 WPD Criminal Cases filed in the Wayne County Municipal Court



2017 Total Municipal Cases filed in the Wayne County Municipal Court



2017 Traffic Municipal Cases filed in the Wayne County Municipal Court



2017 Criminal Municipal Cases filed in the Wayne County Municipal Court

