

CITY COUNCIL AGENDA

August 20, 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 – D5
Michael E. Horner Inc.
DBA Nold Avenue Bar & Grill
924 Nold Avenue
Wooster, Ohio 44691 | 2. Liquor Control Notice – D5L
Nussflick LLC
DBA – Meat Heads Union of Ohio
147 S. Market Street
Wooster, Ohio 44691 |
|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Public Hearing: Amendment to Section 1113.01 Planning and Zoning Code

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

1. First Reading – RESOLUTION NO. 2018-045
A RESOLUTION TO ADOPT THE JUNE 12, 2018 UPDATE OF THE WAYNE COUNTY HAZARD MITIGATION PLAN (Cavin)
2. First Reading – RESOLUTION NO. 2018-046
A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH THE ACCOUNTING FIRM CLARK, SHAEFER, HACKETT FOR AUDITING SERVICES, AND DECLARING AN EMERGENCY (Ansel)
3. First Reading – **AMENDED** RESOLUTION NO. 2018-028
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE CONSTRUCTION OF SIDEWALKS AND CURB RAMPS **AND STORM SEWER** ON NORTHWESTERN AVENUE, AND DECLARING AN EMERGENCY (Bostancic)
4. First Reading – ORDINANCE NO. 2018-014
AN ORDINANCE AMENDING SECTION 1113.01, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO (Sanders)
5. First Reading – ORDINANCE NO. 2018-015
AN ORDINANCE TO ADOPT THE UPDATED 2019 SOLID WASTE MANAGEMENT PLAN FOR THE STARK–TUSCARAWAS–WAYNE JOINT SOLID WASTE MANAGEMENT DISTRICT, AND DECLARING AN EMERGENCY (Sanders)
6. First Reading – RESOLUTION NO. 2018-047
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE A VEHICLE IN ACCORDANCE WITH THE CAPITAL PLAN FOR 2018 (Silvestri)

7. First Reading – RESOLUTION NO. 2018-048

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. (Ansel)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

**NOTICE TO LEGISLATIVE
AUTHORITY**

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

TO

6482126 <small>PERMIT NUMBER</small>		NEW <small>TYPE</small>	NUSSFLICK LLC DBA MEAT HEADS UNION OF OHIO 147 S MARKET ST WOOSTER OH 44691
06 21 2018 <small>FILING DATE</small>			
D5L <small>PERMIT CLASSES</small>			
85 <small>TAX DISTRICT</small>	165 <small>TAX DISTRICT</small>	B <small>TAX DISTRICT</small>	

FROM **08/03/2018**

<small>PERMIT NUMBER</small>		<small>TYPE</small>	
<small>ISSUE DATE</small>			
<small>FILING DATE</small>			
<small>PERMIT CLASSES</small>			
<small>TAX DISTRICT</small>	<small>TAX DISTRICT</small>	<small>TAX DISTRICT</small>	<small>RECEIPT NO.</small>



MAILED **08/03/2018**

RESPONSES MUST BE POSTMARKED NO LATER THAN.

09/04/2018

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 NEW 6482126

(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**

**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

5903128 <small>PERMIT NUMBER</small>		STCK <small>TYPE</small>	MICHAEL E HORNER INC DBA NOLD AVENUE BAR & GRILL 924 NOLD AV WOOSTER OHIO 44691
01 17 2018 <small>ISSUE DATE</small>			
01 17 2018 <small>FILING DATE</small>			
D5 <small>PERMIT CLASSES</small>			
85 <small>TAX DISTRICT</small>	165 <small>PERMIT CLASSES</small>	B <small>PERMIT CLASSES</small>	F20669 <small>RECEIPT NO.</small>

FROM **07/10/2018**

<small>PERMIT NUMBER</small>		<small>TYPE</small>
<small>ISSUE DATE</small>		
<small>FILING DATE</small>		
<small>PERMIT CLASSES</small>		
<small>TAX DISTRICT</small>	<small>PERMIT CLASSES</small>	<small>RECEIPT NO.</small>



MAILED **07/10/2018**

RESPONSES MUST BE POSTMARKED NO LATER THAN. **08/10/2018**

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 STCK 5903128**

(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**

LCR 10911 \$100

For Questions call
(614) 644-3162
Office Hours -
8:00 a.m. - 5:00 p.m.

Ohio Department of Commerce - Division of Liquor Control
6606 Tussing Road, Reynoldsburg, Ohio 43068-9005
<http://www.com.ohio.gov/liqr>



APPLICATION FOR CHANGE OF CORPORATE STOCK OWNERSHIP
PROCESSING FEE \$100.00 CAUTION: ALLOW 10 TO 12 WEEKS FOR PROCESSING

PERMIT HOLDER REQUESTS APPROVAL OF THE DIVISION OF LIQUOR CONTROL OF THE FOLLOWING TRANSFER(S) OF STOCK

Permit Holder Name: **Michael E Horner Inc**
Liquor Permit Number(s): **5903128** **P020669**

Permit Premises Address: **924 Nold Ave Wooster, Ohio 44691**

Email Address: [Grid]

Attorney's Name, Address and Telephone Number (If represented)

Is Stock Traded on a National Exchange? YES NO
If YES, give Name of Exchange and Symbol

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement an enforcement action, or collect taxes.

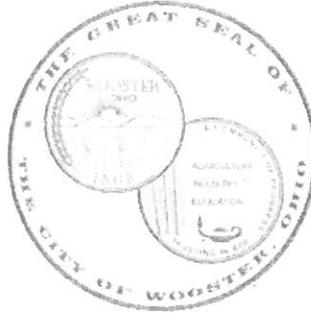
SECTION A: PREVIOUS 5% OR MORE STOCKHOLDERS			
Name	BIRTHDATE	Social Security Number/FTI#	Number of Shares Issued For Stock Transfer Only (NOT Percentages)
1) Michael Horner			250
2)			
3)			
4)			
5)			

SECTION B: REVISED 5% OR MORE STOCKHOLDERS			
Name	BIRTHDATE	Social Security Number/FTI#	Number of Shares Issued For Stock Transfer Only (NOT Percentages)
1) Brody M Horner			250
2)			
3)			
4)			
5)			

NOTE: If any Stockholder is a business entity, that entity must list it's federal tax identification number (FTI #) above.

TOTAL NUMBER OF SHARES ISSUED: **250**

LIST THE TOP FOUR OFFICERS OF THE CAPTIONED CORPORATION. IF AN OFFICE IS NOT HELD, PLEASE INDICATE BY WRITING "NONE"	Social Security Number	Birthdate
1) CEO/President Michael E Horner		
2) Vice-President Michael E Horner		
3) Secretary Michael E Horner		
4) Treasurer Michael E Horner		



WOOSTER CITY COUNCIL
538 N. Market Street * P.O. Box 1128
Wooster, Ohio 44691-7082
Phone 330-263-5200 * www.woosteroh.com

PUBLIC HEARING

The Wooster City Council will hold a public hearing regarding a proposed text amendment to Section 1113.01(e)(8)(D.) (ii.) of the Planning and Zoning Code initiated by the City of Wooster to remove the requirement for all fences on a single property to have a unified style.

The hearing will be held on Monday, August 20, 2018 at 7:30 p.m., at City Hall, in Council Chambers at 538 North Market Street, Wooster, Ohio. All interested parties are welcome to attend and will be afforded the opportunity to be heard by City Council and submit evidence and written comments with respect to the proposed amendment.

For further information, to submit written comments prior to the meeting or to request special auxiliary aids please contact Lynne DePaulo at 330-263-5242 or 538 North Market Street, Wooster, Ohio.

Lynne DePaulo
Clerk of Council

Publish: Friday, August 3, 2018

RESOLUTION NO. 2018-045

A RESOLUTION TO ADOPT THE JUNE 12, 2018 UPDATE
OF THE WAYNE COUNTY HAZARD MITIGATION PLAN

WHEREAS, the City of Wooster is vulnerable to an array of natural hazards that can cause loss of life and damages to public and private property; and

WHEREAS, the City of Wooster desires to seek ways to mitigate situations that may aggravate such circumstances;

WHEREAS, the development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards; and

WHEREAS, this Council intends to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and

WHEREAS, it is also the intent of this Council to fulfill its obligation under Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the City of Wooster; and

WHEREAS, the City of Wooster in coordination with the Cities of Orrville and Rittman, and the Villages of Apple Creek, Burbank, Congress, Creston, Dalton, Doylestown, Fredericksburg, Marshallville, Mount Eaton, Shreve, Smithville and West Salem, has prepared a multi-jurisdictional hazard mitigation plan with input from the appropriate local and state officials; and

WHEREAS, the Ohio Emergency Management Agency and the Federal Emergency Management Agency have reviewed the Wayne County Hazard Mitigation Plan Update for legislative compliance and approved the plan pending the completion of local adoption procedures; and

WHEREAS, the Wayne County Commissioners adopted the Wayne County Hazard Mitigation Plan Update on June 27, 2018, via Resolution #2018-293.

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

SECTION 1. This Council adopts the Wayne County Mitigation Plan Update and agrees to take such official action as may be reasonably necessary to carry out the proposed actions of the Plan.

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 the law.

2018-045
Res # 1

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Administration- Safety Department	Meeting Date Requested 8/20/18
Project Name Wayne County Hazard Mitigation Plan	Estimated Total Funds/Costs \$ 0.00
Is Full Amount Budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED N/A	
If No, How is the Purchase to be Funded? N/A	
Description of Request <p>The City of Wooster participated with the County and other municipalities in the developmental process of updating the county-wide Hazard Mitigation Plan in late 2017. The final update was completed and submitted to the State EMA for approval in December 2017. There were a few clarifications that were made to satisfy the state and then resubmitted it to the Ohio EMA. The state approved the changes and forwarded the plan to FEMA for federal approval on February 9th 2018.</p> <p>The County EMA office received notice from FEMA on June 21st that the plan was approved pending adoption of the plan by the Wayne County Commissioners, who in turn adopted the plan via resolution on June 27th.</p> <p>The final component of the plan adoption process requires all participating jurisdictions to formally adopt the plan.</p>	
Justification / Benefits <p>The City of Wooster was actively involved in the development of the plan and forwarded information on hazard areas and potential mitigation projects to the consulting company that was contracted to develop the plan. To be eligible for and receive grant funds for hazard mitigation projects, the plan needs to be formally adopted.</p>	
Will this Project affect the City's Operating Costs <p>It will allow us to be eligible for grant funds, that if awarded would reduce the cost for potential projects.</p>	
What Alternatives Exist and what are the Implications of the Alternatives <p>Not to be involved and not to be eligible for grant funds.</p>	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances: N/A	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Note Reasons	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Saley	Date: 7-5-18

Approved for Agenda Yes No ↪

Resolution

No. 2018-293

Board of Wayne County Commissioners
Ann M. Obrecht Sue A. Smail Ron Amstutz

Adopted: June 27, 2018

Subject: **Resolution to Adopt the Wayne County Hazard Mitigation Plan Update**

It was moved by Mrs. Obrecht and seconded by Mr. Amstutz that the following resolution be adopted:

WHEREAS, Wayne County is vulnerable to an array of natural hazards that can cause loss of life and damages to public and private property; and

WHEREAS, Wayne County desires to seek ways to mitigate situations that may aggravate such circumstances; and

WHEREAS, the development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards; and

WHEREAS, it is the intent of the Wayne County Board of Commissioners to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and

WHEREAS, it is also the intent of the Wayne County Board of Commissioners to fulfill its obligation under Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to remain eligible to receive state and federal assistance in the event of a declared disaster affecting Wayne County; and

WHEREAS, Wayne County, in coordination with the Cities of Orrville, Rittman and Wooster and the Villages of Apple Creek, Burbank, Congress, Creston, Dalton, Doylestown, Fredericksburg, Marshallville, Mount Eaton, Shreve, Smithville and West Salem, has prepared a multi-jurisdictional hazard mitigation plan with input from the appropriate local and state officials; and

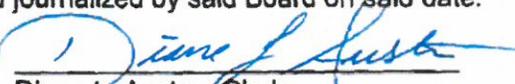
WHEREAS, the Ohio Emergency Management Agency and the Federal Emergency Management Agency have reviewed the Wayne County Hazard Mitigation Plan Update for legislative compliance and has approved the plan pending the completion of local adoption procedures;

NOW, THEREFORE, BE IT RESOLVED that the Board of Wayne County Commissioners hereby adopts the Wayne County Hazard Mitigation Plan Update and agrees to take such other official action as may be reasonably necessary to carry out the proposed actions of the Plan.

The vote is as follows: Ann M. Obrecht yea Sue A. Smail yea Ron Amstutz yea

CERTIFICATE

I, Diane L. Austen, Clerk of the Board of County Commissioners, Wayne County, Ohio, hereby certify that the above is a true and correct copy of the resolution adopted and journalized by said Board on said date.


Diane L. Austen, Clerk

U.S. Department of Homeland Security
FEMA Region V
536 South Clark Street, Floor 6
Chicago, IL 60605



FEMA

July 2, 2018

Mr. Steve Ferryman
Mitigation and Recovery Branch Chief
Ohio Emergency Management Agency
2855 W. Dublin-Granville Road
Columbus, Ohio 43235-2206

Dear Mr. Ferryman:

Thank you for submitting adoption documentation for the Wayne County Hazard Mitigation Plan. The plan was reviewed based on the local plan criteria contained in 44 CFR Part 201, as authorized by the Disaster Mitigation Act of 2000. The Wayne County plan met the required criteria for a multi-jurisdictional hazard mitigation plan and the plan is now approved for Wayne County. **Please submit adoption resolutions for any remaining jurisdictions who participated in the planning process.**

The approval of this plan ensures continued availability of the full complement of Hazard Mitigation Assistance (HMA) Grants. All requests for funding, however, will be evaluated individually according to the specific eligibility and other requirements of the particular program under which the application is submitted.

We encourage the participating jurisdictions to work with Wayne County to follow the plan's schedule for monitoring and updating the plan, and continue their efforts to implement the mitigation measures. The expiration date of the Wayne County Hazard Mitigation Plan is five years from the date of this letter. In order to continue project grant eligibility, the plan must be reviewed, revised as appropriate, resubmitted and approved no later than the expiration date.

Please pass on our congratulations to Wayne County for completing this significant action. If you or the participating jurisdictions have any questions, please contact Steve Greene at (312) 408-5343 or Steven.Greene@fema.dhs.gov.

Sincerely,

A handwritten signature in black ink that reads "Melissa A. Janssen".

Melissa A. Janssen
Chief, Risk Analysis Branch
Mitigation Division



**OHIO DEPARTMENT
OF PUBLIC SAFETY**
SAFETY • SERVICE • PROTECTION

- Bureau of Motor Vehicles
- **Emergency Management Agency**
- Emergency Medical Services
- Office of Criminal Justice Services
- Ohio Homeland Security
- Ohio State Highway Patrol



John R. Kasich, Governor
John Born, Director
Sima S. Merick
Executive Director

Emergency Management Agency
2855 West Dublin-Granville Road
Columbus, Ohio 43235-2206
(614) 889-7150
www.ema.ohio.gov

July 2, 2018

EMC-2017-PC-0001

Mr. Joseph Villegas, Director
Wayne County Emergency Management Agency
201 W. North St, Justice Ctr
Wooster, Oh 44691

RE: Updated Wayne County 2017 Hazard Mitigation Plan

Dear Mr. Villegas,

Congratulations on the final Federal approval for Wayne County as a participant in the updated county Hazard Mitigation Plan. **Please continue to submit adoption resolutions from any remaining jurisdictions who have participated in the planning process.**

In accordance with 44 CFR 201.6(d)(3), the expiration date of the plan is **July 2, 2023**.

Should you have any questions please contact Luan Nguyen at 614/799-3531, or by email at lknguyen@dps.ohio.gov.

Sincerely,

Steven A. Ferryman, CFM
State Hazard Mitigation Officer
Mitigation Branch Chief

Attachment: FEMA Region V letter dated July 2, 2018

Cc: Bob Zehentbauer, Regional Supervisor, Ohio EMA
Michelle Sowers, Emergency Management Specialist, Ohio EMA
Karen Kadar, Planning Supervisor, Ohio EMA
File

SAF/ln

Mission Statement

To coordinate activities to mitigate, prepare for, respond to, and recover from disasters

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Finance	Meeting Date Requested August 20, 2018
Project Name Audit Services FY's 2018 & 2019	Estimated Total Funds/Costs \$ 177,475.00
Is Full Amount Budgeted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded? Will budget in each succeeding year (2019 for FY 2018 audit, and 2020 for FY 2019 audit).	
Description of Request Our 3-year contract with Clark, Schaefer, Hackett & Co. for audit services ended with the audit for the year ended December 31, 2017. The Auditor of State's Office informed me that they will NOT be conducting our financial audit for the years ended December 31, 2018 and 2019. I have two choices in the matter: 1) bid 2-year audit contract, or 2) Extend contract with Clark, Schaefer, Hackett & Co. Taking into consideration the shorter contract length and the fact that we are switching financial software programs during 2018, I elected to extend our contract with Clark, Schaefer, Hackett & Co. The audit services fee for FY2018 is \$88,350, an increase of 0.97% (\$850.00) over FY2017 audit services fee. The audit services fee for FY2019 is \$89,125, an increase of 0.88% (\$775.00) over FY2018 audit services fee. The Wooster Community Hospital's portion of audit fees is approximately 44% each year.	
Justification / Benefits Required by Ohio Revised Code and a best business practice to have an annual financial audit.	
Will this Project affect the City's Operating Costs Yes...see costs in the Description of Request section.	
What Alternatives Exist and what are the Implications of the Alternatives No alternatives...audit must be completed per ORC.	
Is this a Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Explain The Circumstances: Non-bid. See my explanation in the Description of Request section.	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Note Reasons	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Andrei A. Dordea Date: August 2, 2018	

3

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division: Engineering	Meeting Date Requested August 20, 2018
Project Name Northwestern Avenue Sidewalk Project	Estimated Total Funds/Costs
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded?	
Description of Request Amend Resolution 2018-028 which gave authorization to advertise and enter into a contract for the construction of sidewalks and curb ramps along Northwestern from Parkview to Hamilton. This request is to amend the Resolution to add storm sewer to the project. Council passed Resolution 2018-028 on May 7, 2018	
Justification / Benefits The amendment is needed in order to use storm sewer funds to pay for the storm sewer portion of the project.	
Will this Project affect the City's Operating Costs This project will have no effect on operating costs.	
What Alternatives Exist and what are the Implications of the Alternatives	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons The contractor has started and permission to use storm sewer funds is required.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Roger Kobilarcsik	Date: July 26, 2018
Approved for Agenda <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No LD	

2018-014 ORD
4

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Planning and Zoning	Meeting Date Requested 8/20/18
Project Name P&Z Code Amendment to Fence Style	Estimated Total Funds/Costs
Is Full Amount Budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded?	
Description of Request Amendment to Section 1113.01(e)(8)(D.) (ii.) of the Planning and Zoning Code to remove the requirement for all fences on a single property to have a unified style. On July 25, 2018, the Planning Commission unanimously passed a motion recommending approval of the proposed amendment.	
Justification / Benefits The amendment will remove the requirement for all fences on a single property to have a unified style. This change will allow for common fence configurations, which often incorporate different fence styles.	
Will this Project affect the City's Operating Costs	
What Alternatives Exist and what are the Implications of the Alternatives If the section is not amended, fences on the same property will continue to be required to be the same style.	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Explain The Circumstances:	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Note Reasons	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Andrew Dutton	Date: 7/26/18
Approved for Agenda <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

PLANNING COMMISSION APPLICATION INFORMATION SHEET

Application Number

PC-18-17

Scheduled Meeting Date

07-25-2018

Application Type

Zoning Amendment - Text

Applicant

City of Wooster

Applicant's Project Description

Amendment to Section 1113.01(e)(8)(D.)(ii.) of the Planning and Zoning Code to remove the requirement for all fences on a single property to have a unified style.

Agenda Text

The City of Wooster requesting an approval recommendation from the Planning Commission to City Council for a Planning and Zoning Code Text amendment to Section 1113.01(e)(8)(D.)(ii.) to remove a requirement for fencing on a single property to have a unified style.



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

July 26, 2018

At the 07-25-2018 meeting of the City of Wooster Planning Commission, a motion was made to recommend approval of application PC-18-17, The City of Wooster requesting an approval recommendation from the Planning Commission to City Council for a Planning and Zoning Code Text amendment to Section 1113.01(e)(8)(D)(ii.) to remove the requirement for fencing on a single property to have a unified style, 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



Zoning Text Amendment #PC-18-17 Fencing Style Text Amendment

Request: Amendment to Section 1113.01(e)(8)(D.)(ii.) of the Planning and Zoning Code to remove the requirement for all fences on a single property to have a unified style.

AMENDMENT INITIATION AND PROCESS

Section 1105.03(c)(3) of the Planning and Zoning Code states that “City Council may initiate a code text or map amendment by the passing of a resolution to make such an amendment.” On July 2nd, City Council passed Resolution 2018-044 initiating an amendment of Section 1113.01(e)(8)(D.)(ii.).

The next step in the process is for the Planning Commission to hold a public hearing on the proposed Zoning Text Amendment and provide a recommendation to City Council to approve or deny the amendment. The amendment will then be reviewed by City Council in the form of an ordinance, which will include a second public hearing. After their review, City Council will then vote to approve the ordinance. If approved, the ordinance would go into effect 30 days after City Council’s approval.

PROPOSED AMENDMENT

The proposed amendment to Section 1113.01(e)(8)(D.)(ii.) is as follows:

All fences on a single property shall have a ~~unified style and a unified color.~~ *Different styles of fencing may be permitted on a single property in an attempt to match existing fence styles on the property or existing adjacent fencing on a neighboring property.*

ANALYSIS

History

Prior to 2015, fencing in non-single family residential districts was required to have a unified style and be the same color when painted. Fencing in single family residential districts was only required to the same color when painted.

In 2015, the single family residential district fence regulations were amended to require a unified style. The amendment was in response to an application on Palmer Street which combined six foot wood privacy fencing and four foot chain link fencing in the front yard.

In 2018, a comprehensive Planning and Zoning Code amendment resulted in the current text noted above, which is applicable to all fencing.

Variances

Between 2015 and 2018, two variances were applied for regarding the code section. One was approved by the Board and the second, which involved opposition from neighbors, was denied.

Other Communities

Communities often incorporate zoning requirements for fencing to face “outward”, be kept in good repair, and constructed of typical fence materials. However, regulations requiring all fencing on a property to be the same style are very uncommon. Researching 15 communities around Wooster, none included regulations requiring fencing to have a uniform style on a property. Two communities had requirements for fences to be the same color, though one community only extended the requirement to painted fences. Zoning requirements vary widely by community, so similar regulations likely exist, though are clearly not common.



CRITERIA FOR APPROVAL

Recommendations and decisions on planning and zoning code amendment applications shall be based on consideration of the following review criteria:

- A. The proposed amendment is consistent with the comprehensive plan, other adopted City plans, and the stated purposes of this code;
- B. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;
- C. The proposed amendment will promote the public health, safety, and general welfare; and
- D. The proposed amendment would correct an error in the application of this Planning and Zoning Code as applied to the subject property.

STAFF RECOMMENDATION

Staff recommends approval of application PC-18-17 to amend Section 1113.01(e)(8)(D)(ii.) of the Planning and Zoning Code by removing the requirement for all fences on a single property to have a unified style.

It is staff's option that though the current requirement appears appropriate, there are many situations in both residential and commercial settings where different fence styles are necessary and visually compatible. In addition, the benefits of the current code section, which on occasion prevent an unusual application of styles of fencing, are outweighed by the section's prohibition of common fence arrangements. The current section is also subject to interpretation of what constitutes the same style of fencing.



CITY OF WOOSTER

Planning and Zoning Division

538 North Market Street Wooster, OH 44691

Phone: 330-263-5235 Fax: 330-263-5274

July 11, 2018

DAILY RECORD

PLEASE PUBLISH July 15, 2018

The City of Wooster Planning Commission will hold their Regular Meeting at 5:30 pm on Wednesday, July 25th, 2018. The meeting will be held at City Hall, 1st floor Council Chambers, 538 North Market Street, Wooster, Ohio. At the meeting, the Planning Commission will hold a public hearing for the following application:

PC-18-17. The City of Wooster requesting an approval recommendation from the Planning Commission to City Council for a Planning and Zoning Code Text amendment to Section 1113.01(e)(8)(D)(ii.) to remove the requirement for fencing on a single property to have a unified style.

All interested parties are welcome to attend and will be given the opportunity to address the Commission during the public hearing portion of the meeting and submit evidence and written comments with respect to the application. Special auxiliary aids for disabled persons are available upon request with at least five days notice prior to the meeting. For further information, to submit written comments prior to the meeting, or to request special auxiliary aids please contact Andrew Dutton, Planning and Zoning Manager, at adutton@woosteroh.com, (330) 263-5238 or 538 North Market Street, Wooster, Ohio.

Section 1113.01(e)(8)(D.)(ii.)

Existing Text

All fences on a single property shall have a unified style and a unified color. Different styles of fencing may be permitted on a single property in an attempt to match existing fence styles on the property or existing adjacent fencing on a neighboring property.

Proposed Text Amendment

All fences on a single property shall have a ~~unified style and a~~ unified color. ~~Different styles of fencing may be permitted on a single property in an attempt to match existing fence styles on the property or existing adjacent fencing on a neighboring property.~~

Proposed Text After Amendment

All fences on a single property shall have a unified color.

RESOLUTION NO. 2018-044

A RESOLUTION REQUESTING THAT THE PLANNING COMMISSION, PURSUANT TO WOOSTER CODIFIED ORDINANCE SECTION 1105.03, REVIEW AND CONSIDER PROPOSED TEXT AMENDMENT TO THE PLANNING AND ZONING CODE SECTION 1113.01

WHEREAS, the Planning and Zoning Code of the City of Wooster, at Section §1105.03(c)(3), provides that amendments to the code may be initiated by the passage of a resolution by the City Council, after which the proposed amendment will be reviewed and considered by the Planning Commission.

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

SECTION 1. That this Council hereby requests that the Planning Commission review and consider text amendments to the City's Planning and Zoning Code Section 1113.01(e)(8)(D)(ii) to remove the requirement for fences on a single property to have a unified style by deleting text to read as follows:

~~"All fences on a single property shall have a unified style and a unified color. Different styles of fencing may be permitted on a single property in an attempt to match existing fence styles on the property or existing adjacent fencing on a neighboring property."~~

SECTION 2. That this Council hereby requests that the Planning Commission initiate the process of scheduling a review of the amendment at their next scheduled meeting upon passage of the resolution.

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

SECTION 4. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

1st reading 7-2-18 2nd reading → 3rd reading 7-2-18

Passed: 7-2, 2018

Vote: 6-1

Attest: [Signature]
Clerk of Council

[Signature]
President of Council

Approved: July 3, 2018

[Signature]
Mayor

Introduced by: Craig Sanders



STARK-TUSCARAWAS-WAYNE JOINT SOLID WASTE MANAGEMENT DISTRICT

9918 Wilkshire Blvd NE • Bolivar, OH 44612
330-874-2258 • 800-678-9839 • 330-874-2449 FAX
www.timetorecycle.org • district@timetorecycle.org

David Held
Executive Director

Erica Wright
Finance Director

July 2018

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



Re: Stark-Tuscarawas-Wayne Joint Solid Waste Management District (District)
Solid Waste Management Plan Update Ratification

Dear Mayor/Clerk/Council President:

ACTION REQUIRED BY FRIDAY, SEPTEMBER 14, 2018

What action is required as an elected official?

Your community benefits from the recycling programs outlined in the Stark-Tuscarawas-Wayne Joint Solid Waste Management District Plan. In order to continue with our existing programs, the legislative authorities of each municipal corporation and township in the District must review and approve or disapprove the 2019 Draft Solid Waste Management Plan by **ordinance or resolution by Friday, September 14, 2018.**

Where can I obtain a copy of the Plan for review?

1. An electronic copy of the Draft Solid Waste Management Plan has been sent to the email address(es) on file with your county office. In addition, we have enclosed a short summary of the Plan for your convenience that may be distributed to all voting elected officials in your jurisdiction.
2. The Draft Plan is also available for review at the following link under "VIEW AND DOWNLOAD THE 2019 DRAFT PLAN":
<https://www.timetorecycle.org/about/resources/our-plan/>

The Plan documents are presented in PDF format and will require the latest version of Adobe Reader in order to open the documents. You can go to the following web address to obtain a free copy of the latest Adobe PDF Reader at: <http://get.adobe.com/reader/otherversions>.

Is there a sample resolution available?

We have enclosed a sample resolution for your convenience. Simply fill in the blanks on the template in advance of your meeting.

Where should I send the resolution?

Please mail your resolution or ordinance for the Draft Solid Waste Management Plan to:

Mr. David Held, Executive Director
Stark-Tuscarawas-Wayne Joint Solid Waste Management District
9918 Wilkshire Blvd NE
Bolivar, Ohio 44612

Or, fax to: 330-874-2449
Or, email to: tiffany@timetorecycle.org

What is the schedule for the Plan development, review and approval process?

Planning Period Begins	September 16, 2016
Policy Committee Adopts Plan for Ohio EPA review	December 15, 2017
Ohio EPA 45-day Comment Period	December 24, 2017-February 6, 2018
Public Comment Period	June 1-30, 2018
Public Hearing	July 6, 2018
Policy Committee Adopts Plan for Ratification	July 13, 2018
Ratification Period	July 23-October 20, 2018
Policy Committee Certifies Ratification	November 2, 2018
Final Ohio EPA 90-day Review	November 12, 2018-February 9, 2019

The District determines that the Plan has been ratified when a combination of municipal corporations and townships with a combined population comprising 60 percent of the District has approved the Plan. That combination must include the approval of the County Commissioners and the municipal corporation having the largest population within the county of the District.

We look forward to hearing from you by **Friday, September 14, 2018**. Resolutions approving or disapproving the Plan enacted outside of the Ratification Period stated above cannot be counted toward the ratification of the Solid Waste Plan. Because of the 90-day timeframe which cannot be extended, we would appreciate your immediate attention to this request.

Please do not hesitate to contact me if you have any questions regarding the ratification process or the solid waste plan update document. Thank you.

Sincerely,

David J. Held
Executive Director
Stark-Tuscarawas-Wayne Joint Solid Waste Management District

Stark-Tuscarawas-Wayne Solid Waste Management District Solid Waste Management Plan Summary

Introduction

The Stark-Tuscarawas-Wayne Joint Waste Management District (District) will submit its updated Solid Waste Management Plan to all cities, villages and townships in Stark, Tuscarawas and Wayne counties for approval. This approval process, also known as ratification, is the final step before the District seeks final approval from Ohio EPA to implement this new Plan.

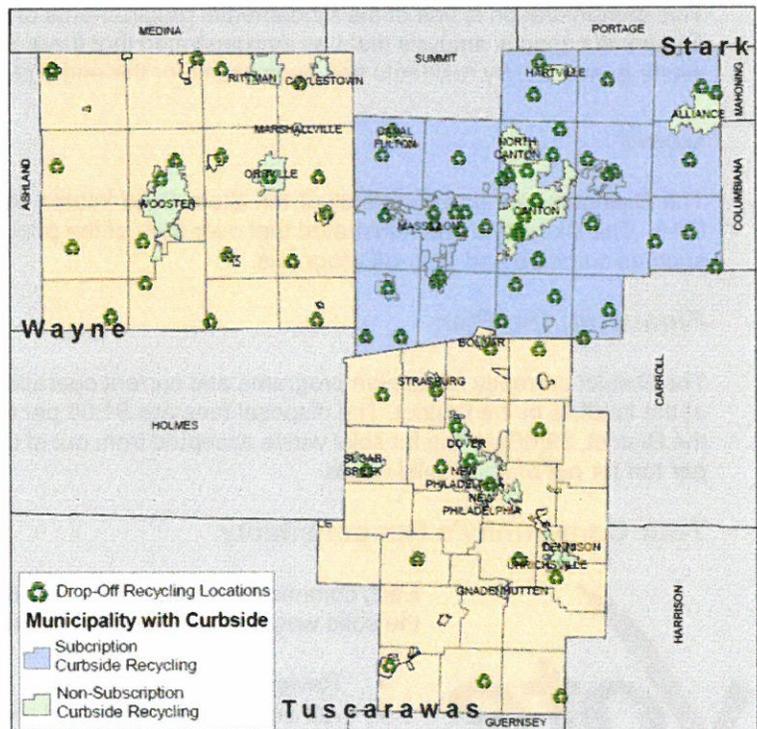


The following executive summary of the solid waste plan has been created for the elected officials within the three counties to demonstrate how the District's solid waste plan benefits each community. The District offers a wide variety of programs and initiatives that offer real value to its counties and communities.

Recycling Programs

The District offers numerous recycling collection programs designed to divert as much solid waste from landfills as possible: The programs include:

- 50 Curbside Recycling Program – **10,422 tons recycled**
- 81 Drop-off Recycling Programs – **11,027 tons recycled**
- 43 Yard Waste Management Program – **72,621 tons composted**
- Scrap Tire Recycling – **11,868 tons recycled**
- Commercial/Industrial Recycling – **1,033,329 tons recycled**
- Private Recyclers, Scrap Yards, and End-Use – **44,204 tons recycled**



Residential/Commercial Education and Awareness Programs

- Curbside Recycling Program
- Drop-Off Recycling Program
- Yard Waste Management Program
- Food Waste Management Program
- Household Hazardous Waste (HHW) Management Program
- Scrap Tire Collection Program
- Computer/Electronic Recycling Program
- Lead Acid Battery Collection Program
- Appliance Recycling Program
- County Government Building Recycling
- School Recycling Program
- Recycling Market Development Promotion
- Education and Awareness Program
- Commercial Technical Assistance
- Industrial Technical Assistance
- Waste Audit Manual
- Audit Committee
- Data Collection and Database of Recycling Processors
- Disaster Debris Management Program
- Other Facilities
- General Plan Implementation



Stark-Tuscarawas-Wayne Solid Waste Management District Solid Waste Management Plan Summary

Residential/Commercial/Industrial Grant Programs

- Ohio EPA Market Development Grants
- Ohio EPA Community Development Grants
- Recycling Makes Sense Program
- Recycling & Composting Infrastructure Enhancement Grants
- Program Start-Up Grants Recycling Drop-Off Clean-Ups/Host Community Grants
- Sheriff Department Grants
- Health Department Grants – Solid Waste Inspections & Well Monitoring



Solid Waste Disposal Capacity

This demonstration is one of the fundamental requirements of the solid waste plan. The District conducted a regional capacity analysis that has demonstrated that there is enough disposal capacity for all of the solid waste generated by residents and businesses for the entire planning period.

Goals

The District meets or exceeds all of the State Solid Waste Management Plan goals as required by Ohio EPA. The District has demonstrated that over 90% of the population of the County has access to recycling such as curbside and drop-off programs.

Financing the Plan

The District currently funds plan programs and current operations through a Tiered Disposal fees collected at the landfills in the District. The disposal fees are \$1.00 per ton on every ton of solid waste generated in the District, \$2.00 per ton for solid waste accepted from out of the District but in the State of Ohio and \$1.00 per ton for out of state solid waste

Your Community's Responsibility



Each community in Stark, Tuscarawas, & Wayne County will be asked to approve the solid waste plan in 2018. The process requires each community to:

- Review a copy of the plan
- Act on the plan within 90 days (**July 23, 2018 – October 20, 2018**) and
- Submit a copy of the resolution or legislation to the District.

Failure to act on the plan is considered by the State of Ohio to be a negative vote.

What if the Plan is Not Ratified?

If local ratification does not occur, the Director of Ohio EPA is required, by state statute, to prepare a plan for the District and order the District to implement the state's plan. This could negatively affect the District because local control of our plan would be relinquished to Ohio EPA.

The plan you will vote on was developed through a local planning process and contains the recommendations, programs and initiatives from the District's Policy Committee. These programs and initiatives will provide for a cost effective and environmentally safe solid waste system for the District and will expand recycling opportunities and increase recycling participation. The District urges communities to learn more about this plan in order to make an informed decision.

For more information, contact the District at (330) 874-2258 or visit online at www.timetorecycle.org

Request for Agenda Item

*2018-0497
Res*

Authorization for Bid

Purchase Capital Item

Non-Capital

Division PPM	Meeting Date Requested 8/20/2018
Project Name 4x4 Backhoe Front Loader	Estimated Total Funds/Costs \$ 95,000.00
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded?	
Description of Request Purchase of a New 4-Wheel Drive Backhoe Loader to be utilized for excavation and loading of materials. This piece of equipment is critical for maintaining the streets, storm water system and many other aspects to our operation. The 4x4 Backhoe Loader is a fully funded capital expense in the 2018 Budget. General Ledger 580702/311501 Estimated Cost \$95,000.00	
Justification / Benefits The backhoe/loader being replaced is a 1998 Backhoe that is a 2-wheel drive unit which is beyond its useful life. The central hydraulic system along with many of the cylinders are in need of being repaired. Currently, this piece has 7029 hours. The 1998 backhoe/loader will be traded-in or sold on GovDeals, whichever brings the highest dollar value.	
Will this Project affect the City's Operating Costs N/A	
What Alternatives Exist and what are the Implications of the Alternatives Continue to operate the 1998 backhoe/loader will cost additional dollars to maintain each year and will not be readily available when needed.	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Note Reasons	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Curt Denning	Date: 8/8/2018

RESOLUTION NO. 2018-048

A RESOLUTION ACCEPTING THE AMOUNTS AND
RATES AS DETERMINED BY THE BUDGET
COMMISSION AND AUTHORIZING THE NECESSARY
TAX LEVIES AND CERTIFYING THEM TO THE COUNTY
AUDITOR

The Council of the City of Wooster, Wayne County met in regular session on the 20th of August, 2018, at the office of the Wooster City Council Chambers with the following members present:

JON ANSEL
MARK CAVIN
JENNIFER WARDEN
SCOTT MYERS
CRAIG SANDERS
DAVID SILVESTRI
BILL BOSTANCIC

WHEREAS, this Council, in accordance with the provisions of law, has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2019; and

WHEREAS, The Budget Commission of Wayne County, Ohio has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax limitation; therefore be it

RESOLVED, By the Council of the City of Wooster, Wayne County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES				
FUND	Amount to Be Derived from Levies Outside 10 Mill Limitation	Amount Approved by Budget Commission Inside 10 Mill Limitation	County Auditor's Estimate of Tax Rate to Be Levied	
			Inside 10 Mill Limit	Outside 10 Mill Limit
	Column II	Column IV	V	VI
GENERAL		1,935,700	5.20	
FIREMAN'S FUND		161,900	0.30	
POLICE PENSION		161,900	0.30	
TOTAL		2,259,500	5.80	0.0
SCHEDULE B LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES				
FUND	Maximum Rate Authorized to Be Levied	County Auditor's Estimate of Yield of Levy Carry to Schedule A Column II		
GENERAL FUND				
		0.0		

WOOSTER

