

## CITY COUNCIL AGENDA

December 17, 2012

7:30 p.m.

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

### I. ROLL CALL & ORDERING OF AGENDA

### II. APPROVAL OF MINUTES

### III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

### IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

### V. COMMITTEE REPORTS; PUBLIC HEARINGS

### VI. OLD BUSINESS

1. Third Reading - ORDINANCE NO. 2012-32 APPROPRIATING FROM VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF WOOSTER FOR THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING AN EMERGENCY (Ansel)
2. Third Reading - RESOLUTION NO. 2012-104 ACCEPTING THE RECOMMENDATIONS OF THE WOOSTER TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AND COMMUNITY REINVESTMENT ACT AGREEMENTS (Ansel)
3. Second Reading - ORDINANCE NO. 2012-36 TO AMEND SECTIONS 1701.03 AND 1701.04 OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, IN ORDER TO PROVIDE FOR A ONE-HALF OF ONE PERCENT INCREASE IN THE CURRENT LEVY ON INCOME, FROM ONE PERCENT TO A RATE OF ONE AND ONE-HALF PERCENT ON AND AFTER JANUARY 1, 2014, FOR THE PURPOSES OF GENERAL MUNICIPAL OPERATIONS, MAINTENANCE, NEW EQUIPMENT, EXTENSION AND ENLARGEMENT OF MUNICIPAL SERVICES AND FACILITIES AND CAPITAL IMPROVEMENTS OF THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (Ansel)
4. Second Reading - RESOLUTION NO. 2012-109 DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO AMEND SECTIONS 1701.03 AND 1701.04 OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, IN ORDER TO PROVIDE FOR A ONE-HALF OF ONE PERCENT INCREASE IN THE CURRENT LEVY ON INCOME, FROM ONE PERCENT TO A RATE OF ONE AND ONE-HALF PERCENT ON AND AFTER JANUARY 1, 2014, FOR THE PURPOSES OF GENERAL MUNICIPAL OPERATIONS, MAINTENANCE, NEW EQUIPMENT, EXTENSION AND ENLARGEMENT OF MUNICIPAL SERVICES AND FACILITIES AND CAPITAL IMPROVEMENTS OF THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (Ansel)

### VII. NEW BUSINESS

1. First Reading - ORDINANCE NO. 2012-37 AUTHORIZING THE MAYOR TO ACCEPT A GIFT OF MONEY FROM THE WAYNE COUNTY COMMUNITY FOUNDATION FOR THE PURCHASE OF TWO PARCELS OF LAND ON THE SOUTHERN BOUNDARY OF FREEDLANDER PARK, AND DECLARING AN EMERGENCY (Silvestri)
2. First Reading - ORDINANCE NO. 2012-38 AUTHORIZING THE DIRECTOR OF FINANCE TO ADVANCE MONIES FROM THE GENERAL FUND TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND, AND DECLARING AN EMERGENCY (Ansel)

3. First Reading - RESOLUTION NO. 2012-112 IN SUPPORT OF NEFCO's ECONOMIC DEVELOPMENT PLANNING PROGRAM, AND DECLARING AN EMERGENCY
4. First Reading - RESOLUTION NO. 2012-113 AUTHORIZING THE DIRECTOR OF FINANCE TO ISSUE PAYMENT FOR EMERGENCY REPAIRS TO A TRAFFIC SIGNAL, AND DECLARING AN EMERGENCY (Ulbright)

**VIII. MISCELLANEOUS**

**IX. ADJOURNMENT**

ORDINANCE NO. 2012-32

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

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

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

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

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

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

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

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

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

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

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary in order to commence and complete the various projects at the earliest possible time for the convenience and enjoyment of the general public; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 11-19-12 2nd reading 12-3-12 3rd reading \_\_\_\_\_

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

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

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

Introduced by: Jon Ansel

RESOLUTION NO. 2012-104

A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE WOOSTER TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AND COMMUNITY REINVESTMENT ACT AGREEMENTS

WHEREAS, the state's Enterprise Zone law provides that the legislative authority, upon receipt of the written recommendations of the municipal tax incentive review council (TIRC), must vote to accept, cancel or modify all or any part of the TIRC's recommendations as to existing enterprise zone (EZ) and community reinvestment act (CRA) agreements; and

WHEREAS, the Wooster TIRC met on September 12, 2012, and after reviewing existing city EZ and CRA agreements coming within its jurisdiction, has recommended that all such agreements should be continued in effect.

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

SECTION 1. This City Council, after reviewing the recommendations of the Wooster TIRC (as per the letter attached hereto) as to existing EZ and CRA agreements coming within its jurisdiction, hereby indicates its acceptance and adoption of such recommendations.

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

SECTION 3. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

1st reading 11-19-12 2nd reading 12-3-12 3rd reading \_\_\_\_\_

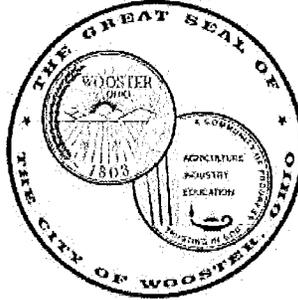
Passed: \_\_\_\_\_, 2012 Vote: \_\_\_\_\_

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

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

Introduced by: Jon Ansel

**Robert F. Breneman**  
Mayor



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

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

November 14, 2012

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

Re: Tax Incentive Review Council Recommendations

Dear Wooster City Council:

The Wooster Tax Incentive Review Council met on September 12, 2012 to review the compliance of each recipient of a tax exemption under the City's Enterprise Zone and Community Reinvestment Area for the year ended December 31, 2011. The following recommendations were made:

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

CM Properties Wooster, LLC

Continue

CRA

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

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

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

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

Respectfully submitted,



Justin Starlin

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

ORDINANCE NO. 2012-36

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

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

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

1701.03 IMPOSITION OF TAX.

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

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

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

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

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

1701.04 EFFECTIVE PERIOD.

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

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

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

SECTION 5. This Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City or providing for the usual daily operation of a municipal department or division, and for the further reason that the immediate effectiveness of this Ordinance is necessary to provide for necessary municipal functions and capital improvements, and to meet financial obligations of the City in connection therewith; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 12-3-12 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

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

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

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

Clerk of Council

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

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

\_\_\_\_\_  
Mayor

Introduced by: Jon Ansel

RESOLUTION NO. 2012-109

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

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

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

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

**PROPOSED MUNICIPAL INCOME TAX INCREASE  
CITY OF WOOSTER**

**A majority affirmative vote is necessary for passage**

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

	FOR THE INCOME TAX
	AGAINST THE INCOME TAX

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

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

SECTION 5. This Resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City or providing for the usual daily operation of a municipal department or division, and for the further reason that this Resolution must be effective at once in order for the matter of the proposed municipal income tax increase to be placed on the ballot at the May 7, 2013 primary election; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 12-3-12 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

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

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

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

Clerk of Council

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

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

\_\_\_\_\_  
Mayor

Introduced by: Jon Ansel

ORDINANCE NO. 2012-36

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

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

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

1701.03 IMPOSITION OF TAX.

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

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

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

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

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

1701.04 EFFECTIVE PERIOD.

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

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

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

SECTION 5. This Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City or providing for the usual daily operation of a municipal department or division, and for the further reason that the immediate effectiveness of this Ordinance is necessary to provide for necessary municipal functions and capital improvements, and to meet financial obligations of the City in connection therewith; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

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

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

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

Clerk of Council

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

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

\_\_\_\_\_  
Mayor

Introduced by: Jon Ansel





**Request for Agenda Item  
Non-Capital**

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

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

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

I am asking to advance \$100,000 from the general fund (fund no. 001) to the CDGB fund (fund no. 107). This will cover the year-end timing difference of grant receipts. Put another way, expenditures will be paid in December 2012, and the related CDBG grant will not be received until January or early February 2013. This will prevent the CDBG fund from ending the year with a negative/deficit balance. Once the grant funds are received, the general fund will be made whole.

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

Yes, needs passed before year-end.

**Manager Requesting**

**Date**

**Approved for Agenda**

RESOLUTION NO. 2012-112

A RESOLUTION IN SUPPORT OF NEFCO's ECONOMIC DEVELOPMENT PLANNING PROGRAM, AND DECLARING AN EMERGENCY

WHEREAS, the Public Works and Economic Development Act of 1965 as amended, delegates to the Economic Development Administration the responsibility of assisting in the development of multi-county planning districts through project grants which assure effective utilization of local resources in creating full-time permanent jobs for the unemployment and under-employed; and

WHEREAS, the purpose of the 1974 amendment to the Public Works and Economic Development Act of 1965 was to further authorize economic adjustment assistance in the form of planning grants under Title IX, and implementation grants under Title I and II, to areas experiencing unemployment caused by structural changes in the area's economy; and

WHEREAS, the Economic Development Administration is authorized through planning and implementation grants to assist area planning efforts to solve problems of economic growth, unemployment and underemployment; and

WHEREAS, the Northeast Ohio Four County Regional Planning and Development Organization ("NEFCO") region is undergoing significant changes in the structure of its economy; and

WHEREAS, the Economic Development Administration has designated the NEFCO region as an Economic Development District (EDD), based on the incidence of unemployment rates; and

WHEREAS, the NEFCO General Policy Board, in conjunction with its 126 local units in government, has formulated the NEFCO 2013-2016 EDA Work Program.

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

SECTION 1. That the Wooster City Council hereby approves and supports NEFCO's application for funding of the NEFCO Economic Development Planning Program, and will continue to participate in the NEFCO Economic Development District Program.

SECTION 2. The Clerk of Council is hereby authorized and directed to mail or otherwise deliver promptly a certified copy of this Resolution to the executive director of NEFCO.

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





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

<b>Division</b> Engineering	<b>Meeting Date Requested</b> November 19, 2012
<b>Project Name</b> :Friendsville/Milltown Signal Emergency Repair	<b>Approved for Agenda</b>
<b>Estimated Total Cost</b> \$45,000	
<b>Is Full Amount Budgeted</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If No, How Is The Purchase To Be Funded?</b> Funds were transfer from the road maintenance budget.	
<b>Description Of Purchase</b> This is a request to pay the contractor for an emergency repair of the controller for the signal at the Friendsville/Milltown intersection. The controller was damaged beyond repair during a vehicle accident. The costs of the repair will be recovered from the insurance company.	
<b>Justification / Benefits</b> Emergency repair.	
<b>Will This Project Effect the City's Operating Costs</b> This project will not effect the City's operating costs.	
<b>What Alternatives Exist and What Are The Implications of The Alternatives</b> There were no alternatives, the signals had to be repaired.	
<b>Is This A Sole Source Bid or Non-Bid Situation</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If Yes, Explain The Circumstances</b> An electrical contractor with past experience with the City was instructed to repair the controller and to get the signal functioning as soon as possible.	
<b>Are You Requesting Suspension Of The Rules</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If Yes, Note Reasons</b> The controller has been repaired and the contractor needs to be paid.	
<b>Division Manager</b> Roger Kobilarcsik	<b>Date</b> November 8, 2012

*Res# 113*