

**CITY COUNCIL AGENDA**  
**September 6, 2022**  
**7:30p.m.**

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

- I. ROLL CALL & ORDERING OF AGENDA**
- II. APPROVAL OF MINUTES**
- III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**
- IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**
- V. COMMITTEE REPORTS; PUBLIC HEARINGS**  
Public Hearing:
  - Rezoning Request: City of Wooster, 75.217 acres, parcels 53-01312.000 and 53-01518.000 as R-4; parcels 53-01918.002, 53-01859.007, 53-01918.000, 53-01918.001, 53-01919.000, 53-01859.008, 53-00030.000, 53-01859.005, 53-00030.001, 53-01859.006, and 53-01859.004 as R-2
  - Oak Hill Tax Increment Financing Incentive District Public Hearing
- VI. UNFINISHED BUSINESS**
  1. Second Reading - ORDINANCE NO. 2022-14 (**Amended**)  
AN ORDINANCE AMENDING CHAPTER 351, PARKING GENERALLY, CHAPTER 355, OFF-STREET PARKING FACILITIES AND REPEALING CHAPTER 357, PARKING VIOLATIONS BUREAU OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY ESTABLISHING A CIVIL PARKING VIOLATIONS BUREAU UNDER THE AUTHORITY OF OHIO REVISED CODE SECTION 4521 DECRIMINALIZING MOST PARKING VIOLATIONS. (Reynolds)
- VII. NEW BUSINESS**
  1. First Reading – ORDINANCE NO. 2022-16  
AN ORDINANCE ACCEPTING APPLICATION FOR THE ANNEXATION OF TERRITORY LOCATED ON OAK HILL ROAD AND WEST MILLTOWN ROAD, AND CONTIGUOUS TO THE CORPORATION LIMITS (Jonathan Millea, Agent for Petitioners) (Reynolds)
  2. First Reading – ORDINANCE NO. 2022-17  
AN ORDINANCE AMENDING PART ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO RE-ZONE LAND TO R-2 (SINGLE-FAMILY RESIDENTIAL DISTRICT) AND R-4 ((MULTI-FAMILY RESIDENTIAL DISTRICT) FOR PROPERTY LOCATED AT THE INTERSECTION OF MILLTOWN AND OAK HILL ROAD (Reynolds)
  3. First Reading – ORDINANCE NO. 2022-22  
AN ORDINANCE AUTHORIZING THE CITY OF WOOSTER TO ACCEPT A TRANSFER OF LAND FROM THE BOARD OF WAYNE COUNTY COMMISSIONERS (Knapic)
  4. First Reading – RESOLUTION NO. 2022-27  
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO AND CONTINUE A CONTRACT FOR PROPERTY AND GENERAL LIABILITY INSURANCE FOR THE MUNICIPAL GOVERNMENT AND ALLOWING FOR IMMEDIATE ENACTMENT (Reynolds)

5. First Reading – RESOLUTION NO. 2022-28  
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 (Sanders)
6. First Reading – RESOLUTION NO. 2022-29  
A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE WOOSTER TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AGREEMENTS (Sanders)
7. First Reading – RESOLUTION NO. 2022-30  
A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE WOOSTER TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING COMMUNITY REINVESTMENT ACT AGREEMENTS (Sanders)
8. First Reading – RESOLUTION NO. 2022-31  
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER A MUTUAL TERMINATION AGREEMENT WITH XCESS LIMITED FOR CRA INCENTIVES PERMITTED THROUGH ORDINANCE NO. 2013-40, FOR IMMEDIATE ENACTMENT (Sanders)
9. First Reading – RESOLUTION NO. 2022-32  
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER A MUTUAL TERMINATION AGREEMENT WITH COYOTE GROUP LLC FOR CRA INCENTIVES PERMITTED THROUGH ORDINANCE NO. 2019-12 FOR IMMEDIATE ENACTMENT (Sanders)
10. First Reading – ORDINANCE NO. 2022-18  
AN ORDINANCE AMENDING ORDINANCE NO. 2014-06 BY AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO AMEND AN AGREEMENT ADDING PURPLE MARTIN PICTURES LLC TO THE COMMUNITY REINVESTMENT AREA AGREEMENT WITH ATO LLC AND ALLOWING FOR IMMEDIATE ENACTMENT (Sanders)
11. First Reading – ORDINANCE NO. 2022-19  
AN ORDINANCE AUTHORIZING THE MAYOR TO AMEND THE CITY’S AGREEMENT WITH CM PROPERTIES LLC AS PERMITTED THROUGH ORDINANCE NO. 2011-11, FOR IMMEDIATE ENACTMENT (Sanders)
12. First Reading – ORDINANCE NO. 2022-20  
AN ORDINANCE AMENDING ORDINANCE NO. 2010-24 BY AUTHORIZING THE MAYOR AFFIRM AUTHORIZATION OF CRA EXEMPTION TO RESIDENTIAL UNITS AT PROJECT SITE, AND ALLOWING FOR IMMEDIATE ENACTMENT (Sanders)
13. First Reading - ORDINANCE NO. 2022-21  
AN ORDINANCE AMENDING ORDINANCE NO. 2014-18 BY AUTHORIZING THE MAYOR TO JOIN GRAM HOLDINGS LLC TO THE COMMUNITY REINVESTMENT AREA AGREEMENT WITH EKHO KOLE, ALLOW TENANTS AS PARTY TO AGREEMENT, AND TO AFFIRM AUTHORIZATION OF CRA EXEMPTION TO RESIDENTIAL UNITS AT THE PROJECT SITE, AND ALLOWING FOR IMMEDIATE ENACTMENT (Sanders)

**VIII. MISCELLANEOUS**

**IX. ADJOURNMENT**

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ORDINANCE NO. 2022-14 (Amended)

AN ORDINANCE AMENDING CHAPTER 351, PARKING GENERALLY, CHAPTER 355, OFF-STREET PARKING FACILITIES AND REPEALING CHAPTER 357, PARKING VIOLATIONS BUREAU OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY ESTABLISHING A CIVIL PARKING VIOLATIONS BUREAU UNDER THE AUTHORITY OF OHIO REVISED CODE SECTION 4521 DECRIMINALIZING MOST PARKING VIOLATIONS.

WHEREAS, The vast majority of Cities in Ohio have decriminalized parking violations and have classified parking infractions as a matter more appropriately dealt with in a civil law forum; and

WHEREAS, Ohio Revised Code Section 4521 provides a means for municipalities to remove criminal penalties from parking violations and create a civil law process in order to streamline the process for payment, collection and appeals of parking violations,

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

SECTION 1. That Chapter 351, Parking Generally and Chapter 355, Off-Street Parking Facilities of the Codified Ordinances of the City of Wooster, Ohio is hereby amended and Chapter 357, Parking Violations Bureau of the Codified Ordinances of the City of Wooster, Ohio is hereby repealed by the adoption of new Section Chapter 351 and 355, to read as follows:

Chap. 351. Parking Generally.

Chap. 355. Off-Street Parking Facilities.

~~Chap. 357. Parking Violations Bureau.~~ **REPEALED**

CHAPTER 351

Parking Generally

351.01 Police may remove unattended vehicle which obstructs traffic.

351.02 Registered owner prima-facie liable for unlawful parking.

351.03 Prohibited standing or parking places.

~~351.04 Manner of parallel parking~~

**351.04 Parking near curb**

**351.041 Handicapped Locations on Public and Private Lots and Garages**

351.05 Manner of angle parking.

351.06 Selling, washing or repairing vehicle upon roadway.

351.07 Unattended vehicle: duty to stop engine, remove key, set brake and turn wheels.

351.08 Opening vehicle door on traffic side.

351.09 Loading passengers or material.

351.10 Bus stops and taxicab stands.

351.11 Parking in alleys and narrow streets; exceptions.

351.12 Prohibition against parking on streets or highways.

351.13 Moving vehicle without driver's consent.

351.14 Snow emergency.

351.15 Backing to curb to load.

**351.16 All-night parking of semitractors, semitrailers, trucks exceeding five tons, and school buses and commercial vehicles.**



- 351.17 Parking on posted private property.
- 351.18 Downtown Parking District.
- 351.19 Establishment of Residential Parking Districts.
- 351.191 Definitions.
- 351.192 Applicability.
- 351.193 Application for permit; eligibility; fee.
- 351.194 Issuance and display of permits; permit not a guarantee.
- 351.195 Special exceptions.
- 351.196 Violations.
- 351.20 Human habitation in vehicles prohibited.
- 351.21 Parking of recreation or commercial vehicles
- 351.98 Parking Violations Bureau**
- 351.99 Penalty

#### CROSS REFERENCES

- See sectional histories for similar State law
- Owner nonliability, lease defense - see Ohio R.C. 4511.071
- Police may remove ignition key from unattended vehicle - see TRAF. 303.03
- Parking near stopped fire apparatus - see TRAF. 331.27
- Lights on parked or stopped vehicles - see TRAF. 337.09

#### 351.01 POLICE MAY REMOVE UNATTENDED VEHICLE WHICH OBSTRUCTS TRAFFIC.

Whenever any police officer finds a vehicle unattended upon any street, bridge or causeway, or in any tunnel, where such vehicle constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety.  
(ORC 4511.67)

#### 351.02 REGISTERED OWNER PRIMA-FACIE LIABLE FOR UNLAWFUL PARKING.

In any hearing on a charge of illegally parking a motor vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully parked as prohibited by the provisions of this Traffic Code, and further testimony that the record of the Ohio Registrar of Motor Vehicles shows that the license plate was issued to the defendant, shall be prima-facie evidence that the vehicle which was unlawfully parked, was so parked by the defendant. A certified registration copy, showing such fact, from the Registrar shall be proof of such ownership.

#### 351.03 PROHIBITED STANDING OR PARKING PLACES.

Except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a police officer or a traffic control device, no person shall stand or park a vehicle, or any part or portion thereof, in any of the following places:

- (a) On a sidewalk or street lawn area, (other than those established in accordance with Section 905.02(f) of these Codified Ordinances) except a bicycle;
- (b) In front of a public or private driveway;
- (c) Within an intersection;
- (d) Within ten feet of a fire hydrant;
- (e) On a crosswalk;
- (f) Within twenty feet of a crosswalk at an intersection;
- (g) Within thirty feet of, and upon the approach to, any flashing beacon, stop sign or traffic control device;
- (h) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the end of a safety zone, unless a different length is indicated by a traffic control device;

- (i) Within fifty feet of the nearest rail of a railroad crossing;
- (j) Within twenty feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within seventy-five feet of the entrance when it is properly posted with signs;
- (k) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
- (l) Alongside any vehicle stopped or parked at the edge or curb of a street;
- (m) Upon any bridge or other elevated structure upon a street, or within a street tunnel;
- (n) At any place where signs prohibit stopping, standing or parking, or where the curbing or street is painted yellow, or at any place in excess of the maximum time limited by signs;
- (o) Within one foot of another parked vehicle;
- (p) On the roadway portion of a freeway, expressway or thruway;  
(ORC 4511.68)
- (q) In any place dangerous to the public safety, or where such vehicle obstructs members of the Police or Fire Division in carrying out their duties;
- (r) At any place where temporary signs have been erected by the City Police Division or other City authority prohibiting stopping, standing or parking.  
(Ord. 2010-29. Passed 11-1-10.)

**351.04 PARKING NEAR CURB; ~~HANDICAPPED LOCATIONS ON PUBLIC AND PRIVATE LOTS AND GARAGES.~~**

- (a) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the curb side wheels of the vehicle parallel with and not more than twelve inches from the curb, unless it is impossible to approach so close to the curb; in such case the stop shall be as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise.
- (b) (1) This subsection does not apply to streets or parts thereof where angle parking is lawfully permitted. However, no angle parking shall be permitted on a state route unless an unoccupied roadway width of not less than twenty-five feet is available for free-moving traffic.
  - (2) A. No angled parking space that is located on a state route within a municipal corporation is subject to elimination, irrespective of whether there is or is not at least twenty-five feet of unoccupied roadway width available for free-moving traffic at the location of that angled parking space, unless the municipal corporation approves of the elimination of the angled parking space.
    - B. Replacement, repainting or any other repair performed by or on behalf of the municipal corporation of the lines that indicate the angled parking space does not constitute an intent by the municipal corporation to eliminate the angled parking space.
- (c) (1) A. Except as provided in subsection (c)(1)B. hereof, no vehicle shall be stopped or parked on a road or highway with the vehicle facing in a direction other than the direction of travel on that side of the road or highway.
  - B. The operator of a motorcycle may back the motorcycle into an angled parking space so that when the motorcycle is parked it is facing in a direction other than the direction of travel on the side of the road or highway.
- (2) The operator of a motorcycle may back the motorcycle into a parking space that is located on the side of, and parallel to, a road or highway. The motorcycle may face any direction when so parked. Not more than two motorcycles at a time shall be parked in a parking

space as described in subsection (c)(2) of this section irrespective of whether or not the space is metered.

(d) Notwithstanding any provision of this Code or any rule, air compressors, tractors, trucks and other equipment, while being used in the construction, reconstruction, installation, repair or removal of facilities near, on, over or under a street, may stop, stand or park where necessary in order to perform such work, provided a flagperson is on duty, or warning signs or lights are displayed as may be prescribed by the Ohio Director of Transportation.

~~(e) — Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces shall be provided and designated by the Municipality and all agencies and instrumentalities thereof at all offices and facilities where parking is provided, whether owned, rented, or leased, and at all public owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be reasonable close to exits, entrances, elevators, and ramps. All elevated signs posted in accordance with this subsection and Ohio R.C.378.111(e) shall be mounted on a fixed or movable post, and the distance from the ground to the bottom edge of the sign shall measure not less than five feet. If a new sign or a replacement sign designating a special parking location is posted on or after October 14, 1999, there also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the special designated parking location if the motor vehicle is not legally entitled to be parked in that location.~~

~~(f) — (1) — A. — No person shall stop, stand or park any motor vehicle at special parking locations provided under subsection (e) hereof, or at special clearly marked parking locations provided in or on privately owned parking lots, parking garages, or other parking areas and designated in accordance with subsection (e) hereof, unless one of the following applies:~~

~~\_\_\_\_\_ 1. — The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removal windshield placard or special license plates;~~

~~\_\_\_\_\_ 2. — The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.~~

~~\_\_\_\_\_ B. — Any motor vehicle that is parked in a special marked parking location in violation of subsection (f)(1)A. of this section may be towed or otherwise removed from the parking location by the Police Department. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that the person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles.~~

~~\_\_\_\_\_ C. — If a person is charge with a violation of subsection (f)(1)A. of this section, it is an affirmative defense to the charge that the person suffered an injury not more than seventy two hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in Ohio R.C. 4503.44(A)(1).~~

~~\_\_\_\_\_ (2) — No person shall stop, stand or park any motor vehicle in an area that is commonly known as an access aisle, which area is marked by diagonal stripes and is located immediately adjacent to a special parking location provided under subsection (e) of this section or at a special clearly marked parking location provided in or on a privately owned parking lot, parking garage or other parking area and designated in accordance with that subsection.~~

~~(g) — When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard~~



~~or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates, the motor vehicle is permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinance or police rules provide otherwise or where the vehicle is parked in such a manner as to clearly a traffic hazard.~~

~~(h) As used in this section:~~

~~(1) "Handicapped person" means any person who has lost the use of one or both legs, or one or both arms, who is blind, deaf or so severely handicapped as to be unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary or other handicapping condition.~~

~~(2) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in Ohio R.C. 4503.44.~~

~~(3) "Special license plates" and "removable windshield placard" mean any license plates or removable windshield placard or temporary removable windshield placard issued under Ohio R.C. 4503.41 or 4503.44, and also mean any substantially similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country or sovereignty. (ORC 4511.69)~~

#### 351.041 HANDICAPPED LOCATIONS ON PUBLIC AND PRIVATE LOTS AND GARAGES.

(a) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces shall be provided and designated by the Municipality and all agencies and instrumentalities thereof at all offices and facilities, where parking is provided, whether owned, rented, or leased, and at all public owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be reasonable close to exits, entrances, elevators, and ramps. All elevated signs posted in accordance with this subsection and Ohio R.C.378.111(c) shall be mounted on a fixed or movable post, and the distance from the ground to the bottom edge of the sign shall measure not less than five feet. If a new sign or a replacement sign designating a special parking location is posted on or after October 14, 1999, there also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the special designated parking location if the motor vehicle is not legally entitled to be parked in that location.

(b) (1) A. No person shall stop, stand or park any motor vehicle at special parking locations provided under subsection (a) hereof, or at special clearly marked parking locations provided in or on privately owned parking lots, parking garages, or other parking areas and designated in accordance with subsection (e) hereof, unless one of the following applies:

1. The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removal windshield placard or special license plates;
2. The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.

B. Any motor vehicle that is parked in a special marked parking location in violation of subsection (b)(1)A. of this section may be towed or otherwise removed from the parking location by the Police Department. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles.

If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that the person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles.

C. If a person is charged with a violation of subsection (b)(1)A. of this section, it is an affirmative defense to the charge that the person suffered an injury not more than seventy-two hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in Ohio R.C. 4503.44(A)(1).

(2) No person shall stop, stand or park any motor vehicle in an area that is commonly known as an access aisle, which area is marked by diagonal stripes and is located immediately adjacent to a special parking location provided under subsection (a) of this section or at a special clearly marked parking location provided in or on a privately-owned parking lot, parking garage or other parking area and designated in accordance with that subsection.

(c) When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates, the motor vehicle is permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinance or police rules provide otherwise or where the vehicle is parked in such a manner as to clearly a traffic hazard.

(d) As used in this section:

(1) "Handicapped person" means any person who has lost the use of one or both legs, or one or both arms, who is blind, deaf or so severely handicapped as to be unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary or other handicapping condition.

(2) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in Ohio R.C. 4503.44.

(3) "Special license plates" and "removable windshield placard" mean any license plates or removable windshield placard or temporary removable windshield placard issued under Ohio R.C. 4503.41 or 4503.44, and also mean any substantially similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country or sovereignty. (ORC 4511.69)

#### **351.05 MANNER OF ANGLE PARKING.**

Upon streets where angle parking is permitted, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway as is indicated by appropriate signs or markings.

#### **351.06 SELLING, WASHING OR REPAIRING VEHICLE UPON ROADWAY.**

No person shall stop, stand or park a vehicle upon any roadway for the principal purpose of:

- (a) Displaying such vehicle for sale;
- (b) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

#### **351.07 UNATTENDED VEHICLE: DUTY TO STOP ENGINE, REMOVE KEY, SET BRAKE AND TURN WHEELS.**

(a) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively

setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the highway.

The requirements of this section relating to the stopping of the engine, locking of the ignition and removing the key from the ignition of a motor vehicle do not apply to any of the following:

- (1) A motor vehicle that is parked on residential property;
- (2) A motor vehicle that is locked, regardless of where it is parked;
- (3) An emergency vehicle;
- (4) A public safety vehicle.

~~(b) Except as otherwise provide in this subsection, whoever violates this section is guilty of a minor misdemeanor. If within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.661)~~

#### 351.08 OPENING VEHICLE DOOR ON TRAFFIC SIDE.

No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. (ORC 4511.70(C))

No operator or passenger of any motor vehicle shall leave or enter such vehicle on the side next to a moving lane of traffic, unless such movement can be made in such manner as to yield the right of way to all vehicular traffic in the lawful use of the street.

#### 351.09 TRUCK LOADING ZONES.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a truck loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty minutes.

#### 351.10 BUS STOPS AND TAXICAB STANDS.

(a) No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately posted, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone, and then only for a period not to exceed three minutes, if such stopping is not prohibited therein by posted signs.

(b) No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone. (1950 Code, p. 171.)

#### 351.11 PARKING IN ALLEYS AND NARROW STREETS; EXCEPTIONS.

(a) No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the



actual loading or unloading of passengers or when directed to by a police officer or traffic control signal.

(b) No person, except during actual loading or unloading or when operating an emergency service vehicle, shall park a vehicle within an alley in the fire limits of the City or within one block north and one block south of such fire limits.

An "emergency service vehicle" is hereby defined as:

(1) Any repair truck or other vehicle owned by a telephone, electric or gas company, used exclusively for installation or repair of public utility facilities and distinctly marked as to such ownership, or

(2) Any service car with a private license used by an employee of a public utility upon which a permit is displayed. Such permit shall be issued to the owner of such service car upon application to the Director of Administration and the payment of a fee not to exceed three dollars (\$3.00) per annum.

(c) No person shall park a vehicle within any alley outside the fire limits of the City in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, except during actual loading or unloading.

#### 351.12 PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS.

Upon any street or highway outside a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the street or highway if it is practicable to stop, park or so leave such vehicle off the paved or main traveled part of such street or highway. In every event, a clear and unobstructed portion of the street or highway not less than ten feet in width opposite such standing vehicle shall be left for the free passage of other vehicles, and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such street or highway.

This section does not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a street or highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position. (Ord. 2001-67. Passed 11-19-01.)

#### 351.13 MOVING VEHICLE WITHOUT DRIVER'S CONSENT.

(a) No person shall move a vehicle without the driver's consent into any place or position which would make the driver or owner liable to punishment for a violation of this Traffic Code.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of a pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.661) ~~(Ord. 1957-16. Passed 6-3-57.)~~

#### 351.14 SNOW EMERGENCY.

(a) Whenever during any period of twelve hours or less, snow falls in the City or in a section thereof, to a depth of three inches or more, an emergency is declared to exist in that such a heavy snow storm constitutes a serious public hazard impairing transportation, the moving of food and fuel supplies, medical care, fire, health and police protection and other vital facilities of the City. The emergency shall continue until an announcement by the Director of Administration that snow plowing operations have been completed. The announcement should be made in the same manner as outlined in subsection (b) hereof.



(b) Whenever such an emergency exists, the Director of Administration shall request the cooperation of the local press and radio and television stations to announce the emergency and the time that emergency parking regulations shall become effective, which time shall be no sooner than one hour after the first announcement to the above named news media and such announcement to the news media shall constitute notice to the general public of the existence of the emergency. However, the owners and operators of motor vehicles shall have full responsibility to determine existing weather conditions and to comply with emergency parking regulations.

During the period of the emergency the Director of Administration may prohibit the parking of any vehicles upon any or all of the following City streets:

Akron Road	Beall Avenue	Bever Street
Bowman Street	Buckeye Street	Burbank Road
Cleveland Road	Columbus Avenue	E. University Street (east of Beall Avenue)
Emerick Street	Gasche Street	Grant Street
Graustark Path, between Highland Ave. Winkler Drive	Henrietta (Grant to Quinby)	Henry Street
High Street	Highland Avenue	Highland Park Road
Larwill Street	Liberty Street	Madison Avenue
Market Street	Mechanicsburg Road	North Street
Northwestern (Westridge to Western)	Oak Hill Road	Old Mansfield Road
Palmer Street	Pittsburg Avenue	Portage Road
Quinby Avenue	South Street	Spink Street
Spruce Street	Vanover Street	Walnut Street
Wayne Avenue	W. Lincoln-Way (Mansfield Rd.)	Westridge (Oak to Northwestern)
Winter Street (Cleveland to Gasche)		

During the snow emergency no person shall park or cause to be parked, or permit to be parked, or abandon or leave unattended any vehicle of any kind or description upon such streets. However, vehicles may be parked for a period of not longer than three minutes for actual loading or unloading of passengers or thirty minutes for actual loading or unloading of property, provided that no other ordinance restricting parking as to place or time is violated thereby. (Ord. 1979-7. Passed 2-5-79.)

(c) All sections of this Traffic Code concerning parking fines and impounding of illegally parked vehicles apply to this section. (Ord. 1974-33. Passed 5-6-74; Ord. 1977-16. Passed 4-4-77)

351.15 BACKING TO CURB TO LOAD.

In places where, and at hours when, stopping for the loading or unloading of merchandise or materials is permitted, vehicles used for the transportation of merchandise or materials may back into the curb to take on or discharge loads. (1950 Code, p. 172.)

**351.16 ALL-NIGHT PARKING OF SEMITRACTORS, SEMITRAILERS, TRUCKS EXCEEDING FIVE TONS, AND SCHOOL BUSES AND COMMERCIAL VEHICLES.**

No person shall park any semitractor, semitrailer, truck exceeding five tons, ~~or any school bus~~ **or commercial vehicle as defined in Section 341.01(c)** on any street of the City from 10:00 p.m. to 8:00 a.m. (Ord. 1981-47. Passed 10-19-81.)

**351.17 PARKING ON POSTED PRIVATE PROPERTY.**

If an owner of private property posts on the property in a conspicuous manner, a prohibition against parking on the property or conditions and regulations under which parking is permitted, no person shall do either of the following:

- (a) Park a vehicle on the property without the owner's consent;
- (b) Park a vehicle on the property in violation of any condition or regulation posted by the owner. (ORC 4511.681)

**351.18 DOWNTOWN PARKING DISTRICT.**

(a) For the purpose of regulating on-street parking in the downtown area, there is hereby declared to be a district known as the Downtown Parking District. This district is defined by the following boundaries:

Liberty Street, on both sides, from Grant Street to Beall Avenue;  
North Street, on both sides, from Grant Street to Buckeye Street;  
South Street, on both sides, from Walnut Street to Buckeye Street;  
Walnut Street, on both sides, from Larwill Street to South Street;  
Market Street, on both sides, from Larwill Street to Henry Street;  
Buckeye Street, on both sides, from North Street to South Street;  
Bever Street, on both sides, from North Street to Liberty Street.

With respect to meeting future parking needs within this District, the City Engineer is authorized to alter such boundaries in accordance with parking needs in the District, provided that he shall first obtain the approval of the Traffic Commission.

(b) The City Engineer is authorized to designate by appropriate pavement markings, or such other method as he deems appropriate individual parking spaces within the Downtown Parking District. No person shall park a vehicle in such a way that the vehicle is not entirely within the limits of the space so designated.

(c) Within the Downtown Parking District, no person shall park a vehicle for a period of time in excess of three hours at the same or any other location within that block. For purposes of this section, "block" means either side of the street on which the vehicle is parked, in between the nearest intersecting streets.

(d) No person shall park a vehicle at an on-street parking location within the Downtown Parking District between the hours of 2:00 a.m. and 6:00 a.m.

Whenever a police officer finds a vehicle parked within the Downtown Parking District in violation of this subsection, he may, in addition to any other penalties provided herein, require the owner or any other person in charge of the vehicle to move the vehicle, or, if the vehicle is unattended, to provide for the vehicle to be towed to an appropriate location.

This prohibition shall not apply to a vehicle which is disabled or otherwise temporarily and unavoidably incapable of movement.

(e) Whoever violates subsections (b), (c) or (d) hereof shall be fined in accordance with the schedule of fines in Section 351.98(e)7.03 hereof.  
(~~ORD. 2001-42. Passed 9-4-01~~)

#### 351.19 ESTABLISHMENT OF RESIDENTIAL PARKING DISTRICTS.

Whenever it determines that parking congestion in the streets of a particular residential area is such that the restriction thereof for non-residential users is necessary to reduce hazardous traffic conditions and promote the health, safety and general welfare of the residents of the area by providing on-street parking where adequate off-street parking is limited, City Council may establish a Residential Parking District and define the boundaries thereof, as well as reasonable parking restrictions therein. (Ord. 2002-38. Passed 7-1-02.)

#### 351.191 DEFINITIONS.

With respect to Sections 351.192 to 351.196, the following definitions shall apply:

- (a) "Household" means a "dwelling, single family" as that term is defined in the Zoning Code.
- (b) "Multiple household" means a "dwelling, two family" or "dwelling, multi-family" as those terms are defined in the Zoning Code.
- (c) "Residential Parking District" is the list of streets and sections of streets designated in this chapter for restricted parking by residential neighborhood permit only at those designated times.
- (d) "Visitor permit" is a permit to park in the Residential Parking District on a temporary basis.

(Ord. 2002-38. Passed 7-1-02.)

#### 351.192 APPLICABILITY.

The following zones are designated as Residential Parking Districts:

- (a) The College of Wooster Residential Parking District, described as follows:

Henrietta Street

-north side, from Quinby Avenue to Bever Street

-north side, from 974 N. Grant Street to Quinby Avenue

University Street

-north side, from Quinby Avenue to Bever Street

-south side, from Spink Street to Gasche Street

-both sides, from Gasche Street to Palmer Street

-both sides, from Grant Street to Quinby Avenue

Forest Drive

-west and north side, from Henrietta Street to Quinby Avenue

-east side, from Pine Street to Henrietta Street

Gasche Street

-west side, from north alley south of University Street to the south alley north of Stibbs Street

Pine Street

-north side, from Quinby Avenue to Bever Street

-north side, from Quinby Avenue to western terminus

**Scovel Avenue**

- east side, from University Street to Pine Street
- east side, from Pine Street to Pearl Street

**Pearl Street**

- north side, from Bever Street to Beall Avenue
- north side, from Bever Street to Buckeye Street

**Stibbs Street**

- both sides, from Spink Street to Gasche Street
- south side, from Beall Avenue to Spink Street

**Lincoln Street**

- both sides, from Stibbs Street to northern terminus

**Belmont Avenue**

- both sides, from Stibbs Street to Spring Street

**College Avenue**

- west side, from Pine Street to Spring Street

**Spink Street**

- east side, from University Street to Bowman Street

**Quinby Avenue**

- both sides, from Wayne Avenue to Park Avenue

**Bever Street**

- west side, from Henrietta Street to Pearl Street

(b) Once designated, the Mayor or his/her designee will cause appropriate signage to be erected within the designated district to effectuate the purposes of this section.  
(Ord. 2004-19. Passed 6-21-04.)

**351.193 APPLICATION FOR PERMIT; ELIGIBILITY; FEE.**

(a) Permits may be obtained at locations designated by the Mayor. Applicants shall submit proof of residency and proof of ownership or principal use of the motor vehicle upon making an application for a parking or visitor permit. Each application for a parking permit shall also contain the following information: applicant name and address; make, model and license number of motor vehicle(s) for which an application is made; and any other information deemed relevant by the Department of Public Works.

(b) Each household and multiple household within a designated Residential Parking District is entitled to obtain one residential parking permit per motor vehicle. Each household and multiple household is entitled to purchase one visitor permit for each household. Appeals for additional parking and/or visitor permits shall be made in writing to the Mayor or his/her designee, together with any relevant documentation.

(c) There will be no fee for annual permits issued by the City. However, if the make, model or license tag number of a permitted vehicle changes during the year, such new information must be promptly reported to the office that issued the permit. If a permit holder loses his/her permit,



s/he may request the issuance of a replacement permit. The fee for a replacement permit will be five dollars (\$5.00).  
(Ord. 2007-50. Passed 9-4-07.)

**351.194 ISSUANCE AND DISPLAY OF PERMITS; PERMIT NOT A GUARANTEE.**

(a) Parking permits will be issued as of August 15th of the current year, and will remain in effect until June 1st of the following year, at which time they will expire.

(b) Residential parking permits shall be visibly displayed by hanging the permit from the rearview mirror in the front windshield, or at such other location as determined by the Mayor or his/her designee.

(c) Possession and display of a valid residential parking permit does not guarantee that the holder will be able to locate an on-street parking space within the district, nor does it exempt the holder from all other parking restrictions or prohibitions established in accordance with Chapter 351 of these Codified Ordinances, including temporary restrictions necessitated for street maintenance purposes.

(d) Parking permits valid for one district shall not be valid for another district.  
(Ord. 2002-38. Passed 7-1-02.)

**351.195 SPECIAL EXCEPTIONS.**

Any holder of a valid residential parking permit may request the issuance of one or more temporary permits as a special exception from the residential parking permit regulations. A temporary permit will be valid for no more than forty-eight hours, and the holder will be limited to no more than one such request in any thirty (30) day period. Such a request shall be made to the Parking Enforcement Manager, and shall include a brief description of the nature of the request. There will be no fee for this permit.

(Ord. 2002-38. Passed 7-1-02.)

**351.196 VIOLATIONS.**

(a) The following acts are hereby declared to be unlawful and in violation of these residential parking district regulations:

(1) Stopping, standing or parking a motor vehicle on any street within a Residential Parking District between the hours of 1:00 a.m. and 6:00 a.m. without properly displaying a valid permit issued by the City;

(2) Providing false information to the City for the purpose of obtaining a parking permit;

(3) Allowing the use or display of a parking permit on a motor vehicle other than that for which the permit was issued;

(4) Copying, producing, or otherwise bringing into existence a facsimile or counterfeit parking permit;

(5) Using or displaying a facsimile or counterfeit parking permit without written authorization of the City;

(6) Displaying or failing to surrender a parking permit revoked by the City.

(7) Failing to display or improperly displaying a parking permit.

(b) Any motor vehicle parked upon a public street in violation of these regulations is hereby declared to be a public nuisance.

(c) A violation of any provision of this section is a minor misdemeanor on a first offense. For each subsequent offense, a violation is a misdemeanor of the fourth degree. In addition to any

other penalties provided by law, the Mayor is authorized to revoke the residential parking permit of any person found to be in violation of this section. Additionally, a motor vehicle found to be parked in violation of this section is immediately subject to towing at the direction of the Police Division, and the owner thereof will be responsible for any towing and/or storage charges related thereto. (Ord. 2007-50. Passed 9-4-07.)

#### 351.20 HUMAN HABITATION IN VEHICLES PROHIBITED.

(a) No person shall park a vehicle, as that term is defined in this Traffic Code, within the traveled portion of the public right of way, and utilize said vehicle for purposes of human habitation. For purposes of this section, "human habitation" shall mean the use of a vehicle for dwelling. Evidence of human habitation shall include activities such as sleeping, setting up housekeeping or cooking, and/or any other activity where it reasonably appears, in light of all the circumstances, that a person or persons is using the vehicle as a living accommodation. The use of a vehicle for six or more consecutive hours for eating, resting, recreating and/or sleeping shall per se constitute "human habitation" for purposes of this chapter.

(b) A violation of this section is a minor misdemeanor on a first offense; provided that a subsequent offense occurring within one year of the prior offense is a misdemeanor of the fourth degree. (Ord. 2013-31. Passed 8-19-13.)

#### 351.21 PARKING OF RECREATIONAL OR COMMERCIAL VEHICLES.

(a) A person who is the owner, agent, operator, or other person in charge of any recreational or commercial vehicle as defined herein may permit such vehicle to remain parked upon the street in front of their residence for the purpose of loading or unloading for a period of time not to exceed twenty-four (24) hours. ~~This section only applies to commercial vehicles parking between the hours of 10:00 p.m. and 8:00 a.m. pursuant to Section 351.16 of this code.~~ Any other parking, standing or abandoning of a recreational or commercial vehicle on any other City street or highway is prohibited under this section.

(b) For the purposes of this section, certain terms shall be defined as follows:

(1) "Recreational vehicle" includes, but is not limited to:

- A. Camper Trailer - A folding or collapsible vehicular structure, mounted on wheels but without its own power, designed as a temporary living quarters for travel, camping, recreation and vacation uses, which is not encompassed in the definition of travel trailer.
- B. Motor Bus - Any motor vehicle having motor power designed and used for carrying more than fifteen (15) passengers.
- C. Motor Home - A self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.
- D. Travel Trailer - A non-self-propelled recreational vehicle as defined in Ohio R.C. 4501.01(Q), including a tent type fold out camping trailer as defined in Ohio R.C. 4517.01.
- E. Truck Camper - A non-self-propelled recreational vehicle, without wheels for road use but with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation and vacation use, and designed to be placed upon and attached to a motor vehicle. Truck campers do not include truck covers, which consist of walls and roof, and do not have floors and facilities for using same as a dwelling.
- F. Recreational Trailers - Any form of device, equipment, or machinery on wheels, or a single wheel, that is intended to be pulled by a motor vehicle, whether or not attached to a motor vehicle. This shall include every vehicle designed and utilized for the sole purpose of transporting any boat, auto, snowmobile, recreational habitation, and the like, which does not have motive power, but is designed to be drawn by another vehicle.

G. Watercraft - This term shall include, but is not limited to, any of the following when used or capable of being used for transportation on the water:

1. A boat operated by machinery either permanently or temporarily affixed.
2. A sailboat other than a sailboard.
3. An inflatable, manually propelled boat having a hull identification number meeting the requirements of the United States Coast Guard.
4. A canoe or row boat.

~~(2) "Commercial Vehicles" has the same meaning as defined in Wooster Codified Ordinance 341.01(e).  
(Ord. 2020-31. Passed 9-21-20)~~

### 351.98 PARKING VIOLATIONS BUREAU.

There is hereby created in the City, in accordance with Ohio R.C. Chapter 4521.02, A Parking Violations Bureau to handle all parking violations occurring within the Municipal Corporation, including parking violations that are in violation of ordinances, resolutions or other local authorities that occur within the territory of the City.

(a) The City shall, when the same becomes necessary, appoint a violations clerk, hearing examiners and necessary clerical employees as is necessary to provide for the proper functions of the Parking Violations Bureau. No person shall be employed as a hearing examiner unless the person is an attorney admitted to the practice of law in this state or formerly was employed as a law enforcement officer.

(b) Parking tickets shall be as authorized in accordance with Ohio R.C. Chapter 4521.

(c) Violations of this chapter, unless specified as a misdemeanor offense, shall not be considered a criminal offense for any purpose and no person who commits a violation thereof shall be arrested as a result of the commission of the violation. Violations thereof shall be handled in accordance with this chapter and Ohio R.C. Chapter 4521.

(d) The time within which a person who is issued a parking ticket must answer to the charge or pay the fine on the ticket is fifteen (15) days. The answer or payment shall be made by personal appearance at the Wooster Safety Center, Wooster City Hall, by regular mail or by electronic mail/payment. If by regular mail, the time for answering or payment shall be extended in accordance with the Rules of Civil Procedure. No answer may be received by telephone. The answer shall consist of one of the following:

- (1) An admission that the person committed the parking violation, by payment of any fine arising out of the parking violation;
- (2) An admission that the person committed the parking infraction, with an explanation of the circumstances surrounding the infraction;
- (3) A denial that the person committed the parking violation and a request for a hearing relative to the violation. If the person desires the presence at the hearing of the law enforcement officer who issued the parking ticket, the person must request their presence in the answer.

(e) Violations of this chapter unless otherwise specified herein, shall be punishable as follows:

(1) The fines outlined in the City's Fee Schedule will apply to all parking violations, except those contained in Section 351.041, if paid within fifteen (15) days of the issuance of the initial citation; after fifteen (15) days from initial issuance, a twenty-five dollar (\$25.00) late fee will be added.

(2) The fines outlined in the City's Fee Schedule for Section 351.041, handicap parking violations, will apply if paid within fifteen (15) days of the issuance of the initial citation;



after fifteen (15) days from initial issuance, a fifty dollar (\$50.00) late fee will be added.

(3) No late fee will be imposed on any fine if an answer is filed in compliance with section (d) above while the appeal process is pending.

(4) The City may utilize third-party collection efforts to recover unpaid fines and fees, regarding any default account. The person cited shall be responsible for any fees due to the outside or third party collection agency for their services rendered to collect on behalf of the City.

(f) The Chief of Police of the City may provide for the impoundment or the immobilization of any vehicle involved with violations of this chapter after the expiration of ten days from the date of any entry establishing judgment or default judgment. Such impoundment or immobilization shall occur through the auspices of the authorized city towing company. The Chief of Police shall establish the bond or cash deposit to secure the release of such impounded vehicle, provided, however, that the deposit shall not exceed one thousand dollars (\$1,000).

(g) The Bureau, in the event it receives an answer which contains an explanation of the circumstances surrounding the parking violation, may eliminate or reduce such part of the fine arising out of the parking violation as it, in its discretion, deems appropriate.

(h) A person who denies that he committed a parking violation shall be granted a hearing concerning the violation. The Bureau shall set a date for the hearing and notify the person, in writing (letter or e-mail), of the date, time and place of the hearing. The hearing shall be conducted by a hearing examiner of the Parking Violations Bureau.

(i) Failure to appear at the hearing shall result in a default judgment and be punishable as an additional parking violation and shall be subject to a fine in an amount not to exceed twenty-five dollars (\$25.00).

(j) All appeals from the Parking Violations Bureau, its orders or judgments, or any other orders entered pursuant to this chapter, shall be made to the Wayne County Municipal Court, Wooster, Ohio, by filing notice of the appeal to both the Parking Violations Bureau and the Wayne County Municipal Court, Wooster, Ohio within fifteen (15) days of the date of the entry of the judgment and by the paying of such reasonable costs as the court requires. All appeals shall be processed in accordance with procedural and substantive provisions of Ohio R.C. 4521.08(D).

(k) Failure to timely file an answer or pay fine may result in a default judgment.

#### 351.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for misdemeanor classifications and penalties.)

### CHAPTER 355

#### Off-Street Parking Facilities

355.01 Parking regulations.

355.02 Leased parking spaces.

355.03 Prohibited vehicles.

355.99 Penalty.

#### CROSS REFERENCES

Off-street parking facilities - see Ohio R.C. 717.05 et seq.

Removing and impounding improperly parked vehicle - see TRAF. 303.08

Payment of fines - see TRAF. 351.98(e)7.01 et seq.

#### 355.01 PARKING REGULATIONS.

(a) The City Engineer is authorized to designate by appropriate pavement markings or such other method as he deems appropriate the entrances, exits, driveways and parking spaces upon municipal off-street parking facilities; and to prescribe traffic patterns in any or all of such entrances,

exits or driveways as may be necessary to facilitate the flow of traffic into and through the parking facility; and appropriate signage for the enforcement thereof.

(b) (1) No person shall park a vehicle in any portion of a municipal off-street parking facility except entirely within a designated parking space.

(2) No person shall park a vehicle in any portion of a municipal off-street parking facility in such a manner as to obstruct the movement of the vehicles to or from any of the designated parking spaces.

(c) The Director of Administration may restrict the time limit for parking in any municipal off-street parking facility. When any such restriction of time is posted at the parking facility by clearly visible signs, no person shall park a vehicle at the same location or in any other location within the same facility for a period of time in excess of the posted time limit.

(d) Whoever violates subsections (b) or (c) hereof shall be guilty of a time-limited parking violation, and fined in accordance with the schedule of fines in Section 351.98(e)7.03. (~~Ord. 2001-42. Passed 9-4-01.~~)

#### 355.02 LEASED PARKING SPACES.

(a) In connection with the designation of time limits described in Section 355.01(c), the Director of Administration may, with respect to a municipal off-street parking facility, designate and number spaces for the parking of vehicles by means of a City-issued parking permit. When such designation of spaces has been made and is posted at the facility by clearly visible signs, no person who is not the holder of a current City-issued parking permit shall park any vehicle, or cause or knowingly permit any vehicle under his/her control to be or remain parked on any part of the parking facility so designated.

(Ord. 2002-8. Passed 1-22-02.)

(b) The Director of Administration may cause special parking permits to be sold to any person at a price of twenty dollars (\$20.00) for each one-month period. Commencing January, 2002 such fee shall be in accordance with the Schedule of Fees and Charges. When such special parking permit is displayed on the person's vehicle, such person may park his/her vehicle in the specific space to which s/he has been assigned in a particular off-street municipal parking facility which is designated for leased parking, as determined by the Director of Administration, and shall not be deemed to be in violation of the restricted time limits; provided, however, that restrictions against overnight parking on such parking lots shall apply to all vehicles.

(Ord. 2004-7. Passed 4-5-04.)

(c) Whenever a police officer finds a vehicle parked within a permit parking space in violation of this subsection, s/he may, in addition to any other penalties provided herein, require the owner or any other person in charge of the vehicle to move the vehicle, or, if the vehicle is unattended, to provide for the vehicle to be towed to an appropriate location.

(d) Whoever violates subsection (a) hereof shall be guilty of a time-limited parking violation, and fined in accordance with the schedule of fines in Section 351.98(e)7.03.

(~~Ord. 2002-8. Passed 1-22-02.~~)

#### 355.03 PROHIBITED VEHICLES.

No person shall park any semi-tractor, semi-trailer, truck exceeding five tons or any school bus in a municipal off-street parking facility. Whoever violates this subsection is guilty of a minor misdemeanor offense.

(Ord. 1993-26. Passed 6-7-93.)

355.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for misdemeanor classifications and penalties.)

CHAPTER 357

Parking Violations Bureau

**REPEALED**

~~357.01 Created.~~

~~357.02 Duties~~

~~357.03 Fines.~~

~~357.04 Failure to appear.~~

~~357.99 Penalty~~

CROSS REFERENCES

~~Registered owner liable—see TRAF. 351.02~~

~~Use of off street facilities—see TRAF. Ch. 355~~

~~———— 357.01 CREATED~~

~~———— (a) ——— The Mayor of the City shall establish a Parking Violations Bureau, within the Records Bureau of the Police Department, to handle clerical work of parking offenses. The Bureau shall be in charge of such persons designated by the Mayor and shall be open at such hours as may be designated.~~

~~———— (b) ——— Council shall, by ordinance, designate the fines to be paid for such parking offenses which may be satisfied by payment of the same at the Bureau or fine boxes located within the City. (Ord. 1975-26. Passed 5-5-75.)~~

~~———— 357.02 DUTIES~~

~~———— The following duties are hereby imposed upon the Parking Violations Bureau:~~

~~(a) ——— Maintain a stock of parking ticket books and keep a record of to whom such books are issued.~~

~~(b) ——— Maintain a file on all parking tickets used by the Department.~~

~~(c) ——— Accept designated fines and issue receipts therefor.~~

~~(d) ——— If a person accused of a violation of the restrictions on stopping or parking under this Traffic Code does not appear in response to the notice affixed to that person's vehicle within a period of fourteen days, the Parking Violations Bureau shall send to the owner of the vehicle by certified mail, return receipts requested, a letter informing the person of the violation, with a warning that the person can be held responsible for such failure to appear at the Parking Violations Bureau, and requesting that such person immediately appear at the Parking Violations Bureau. In the event such person does not so appear within a period of ten days, the Parking Violations Bureau shall cause a complaint to be filed in a court of competent jurisdiction alleging such failure to appear.~~

~~(e) ——— If any person appears in the Parking Violations Bureau pursuant to the notice or letter provided in subsection (d) hereof, but there fails to pay the designated fine, the Parking Violations Bureau shall cause a uniform traffic citation to issue from the Department alleging the violation of the appropriated parking provisions of this Traffic Code.~~

~~(Ord. 1984-44. Passed 11-5-84)~~

~~———— 357.03 FINES.~~

~~———— Parking violation fines, not including those imposed by court, are as follows:~~

~~(a) ——— Overtime or time limited parking violations in a leased parking facility governed by Chapter 355 of the Codified Ordinances: twenty dollars (\$20.00) for a first offense; thirty dollars~~



### Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

<b>Division Administration</b>	<b>Meeting Date Requested</b> 6/21/22
<b>Project Name</b> Parking Ticket <b>De-Criminalization</b>	<b>Estimated Total Funds/Costs</b> N/A
<b>Is Full Amount Budgeted?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
<b>If No, How is the Purchase to be Funded?</b> N/A	
<b>Description of Request</b> Currently parking tickets are criminal violations and drivers who wish to contest their tickets are required to appear in Municipal Court. This legislation will decriminalize parking tickets under Ohio Law by establishment of a Parking Violations Bureau (Section 351.98) for the purposes of collecting fines and holding hearings for drivers who wish to contest their parking tickets.  The current plan is to have the Law Department and existing staff provide the necessary services for the Parking Violations Bureau.  Fines and penalties will be listed in the City's Fee Schedule which is updated regularly.	
<b>Justification / Benefits</b> Civil parking tickets are used in nearly every Ohio city. They are administratively simpler and more convenient for drivers and they don't involve criminal penalties.	
<b>Will this Project affect the City's Operating Costs</b> No	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> Continuing the current system will cause additional work for the Police Department as they have to create a file for the Municipal Court when a driver wishes to contest their ticket.	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Note Reasons	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> John Scavelli, Law Director	<b>Date:</b> 6/16/22

Approved for Agenda  Yes  No



ORDINANCE NO. 2022-16

AN ORDINANCE ACCEPTING APPLICATION FOR THE ANNEXATION OF TERRITORY LOCATED ON OAK HILL ROAD AND WEST MILLTOWN ROAD, AND CONTIGUOUS TO THE CORPORATION LIMITS (Jonathan Millea, Agent for Petitioners)

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

SECTION 1. That the proposed annexation, consisting of approximately 75.217 acres at the intersection of Milltown Road and Oak Hill Road, with parcel numbers PN: 53-01859.006, 53-01850.008, 53-01918.000, 53-01859.005, 53-01859.004, 53-01859.007, 53-01918.002, 53-01919.000, 53-01312.000, 53-01518.000, 53-01918.001, 53-00030.001 AND 53-00030.000 as applied for in the petition described above, and as approved for annexation to the City of Wooster by the Board of County Commissioners of Wayne County on June 1, 2022, is accepted. The territory to be annexed is described in the petition, a copy of which is attached and incorporated by reference.

The certified transcript of the proceedings for annexation, together with an accurate map of the territory, the petition for annexation and other papers relating to the proceedings of the Wayne County Commissioners, are on file with the Clerk of this Council, and have been for more than sixty (60) days.

SECTION 2. The Clerk of Council is directed to make three (3) copies of this Ordinance, to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners of Wayne County relating hereto, and a certificate as to the correctness. The Clerk shall then deliver one copy of these documents to the Wayne County Auditor, one copy to the Wayne County Recorder and one copy to the Secretary of State, and shall file notice of this annexation with the Wayne County Board of Elections within thirty (30) days after it becomes effective; and the Clerk shall do all other things required by law.

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 the law.

SECTION 4. This Ordinance shall take effect and be in full force from and after the earliest date allowed by law.

1<sup>st</sup> reading \_\_\_\_\_ 2<sup>nd</sup> reading \_\_\_\_\_ 3<sup>rd</sup> reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2022

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

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

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

Approved: \_\_\_\_\_, 2022

\_\_\_\_\_  
Mayor

Introduced by: Bob Reynolds

# Resolution

No. 2022-294

*Board of Wayne County Commissioners*  
*Ron Amstutz    Rebecca S. Foster    Sue A. Smail*

*Adopted:* June 1, 2022

*Subject:* **Approval of a Regular Annexation to the City of Wooster, Wayne County, Ohio (2022-A1 Regular ORC 709.02)**

It was moved by Commissioner Foster and seconded by Commissioner Smail that the following resolution be adopted:

WHEREAS, on March 9, 2022, Jonathan S. Millea, on behalf of Petitioners, filed with the Board of County Commissioners, Wayne County, Ohio, a Petition for Annexation to the City of Wooster, County of Wayne, pursuant to RC 709.02 which Petition was entered on the journal on March 16, 2022, pursuant to Resolution No. 2022-147; and

WHEREAS, said Petition is valid in that:

1. The Petition conforms to all of the statutory requirements outlined in Chapter 709 of the Ohio Revised Code and contains all of the matters required by RC 709.02.
2. RC 709.02(C)(1) requires signatures from at least 51% of property owner(s), this Petition is signed by over 51% of property owner(s) of the territory proposed to be annexed and no signature is dated more than 180 days before the date of the filing of the Petition [RC 709.02(C)(1)].
3. The Petition includes an accurate legal description of the perimeter and an accurate map or plat of the territory proposed for annexation [RC 709.02(C)(2)].
4. The Petition names authorized agent for the Petitioner(s) [RC 709.02(C)(3)].
5. The Petition includes a list of all tracts, lots, or parcels proposed to be annexed; and all tracts, lots or parcels located adjacent to the territory to be annexed or directly across the road when a road is adjacent to the territory to be annexed, including the name and mailing address of the owner of each tract, lot or parcel, and the auditor's permanent parcel number for each tract or parcel [RC 709.02(D)];
6. Any owner that is a firm, trustee or corporation has been signed by a person authorized to sign for that entity [RC 709.02(E)];
7. The City of Wooster has complied with RC 709.03(D) by adopting Ordinance No. 2022-06, which indicates what services it will provide upon annexation, and the approximate date it will provide such services.

WHEREAS, Agent for the Petitioner(s), caused written notice of hearing to be sent to all owners of property adjacent to the property to be annexed and caused a notice of hearing to be published; and

WHEREAS, a hearing on this Petition was held by this Board on May 11, 2022 in the Commissioners' Meeting Room, 428 W. Liberty St., Wooster, Ohio with no opposition to the annexation presented; and



WHEREAS, the record in this matter consists of the following:

- a. The Annexation Petition;
- b. The Notice of Petition for Annexation;
- c. A certification that notice of the filing of the Petition for Annexation was served by publication and by certified mail;
- d. The Ordinance or Resolution from the municipal corporation indicating the services that will be provided;
- e. Digital Recording of Public Hearing prepared by Clerk of the Board of Wayne County Commissioners approved by the Board on May 18, 2022;
- f. Annexation Agreement between the City of Wooster and the Trustees of Wayne Township; and

WHEREAS, based upon a preponderance of the substantial, reliable and probative evidence found within the record, this Board finds that:

1. The requirements stated in 709.033(A)(1) – (3) have been met, as stated above.
2. The territory proposed to be annexed is not unreasonably large.
3. On balance, the general good of the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding areas will outweigh the detriments to the territory proposed to be annexed and the surrounding area RC 709.033(A)(5).
4. No street or highway will be divided or segmented by the boundary line between a township and the municipality as to create a road maintenance problem.

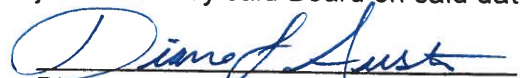
IT IS HEREBY RESOLVED that the Petition for Annexation be granted.

IT IS FURTHER RESOLVED that a certified copy of this Resolution be sent to the Wayne County Auditor, City of Wooster Clerk of Council, Fiscal Officer of Wayne Township, and to the Agent for the Petitioner(s); and then if no appeal is filed within 30 days, certified copies of this Resolution, Petition, map, Statement of Services and all other papers on file along with the minutes of these proceedings be delivered to the City of Wooster Clerk of Council in accordance with RC 709.033.

The vote is as follows: Ron Amstutz yea      Rebecca S. Foster yea      Sue A. Smail 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

# Wayne Township, Wayne County

## Resolution #22-10

Be it resolved by the Board of Township Trustees of Wayne Township, Wayne County, Ohio  
to:

Approve the annexation agreement (15-year shared risk agreement) with the City of Wooster  
relating to Petition for Annexation 2022 A-1 Regular (see attachments).

Motion to adopt such Resolution was made by:

Mr. Shamp

And Second by:

Mr. Questel

Roll Call:

Marlin Questel

yes

Tom Buchholz

yes

TJ Shamp

yes.

Adopted the 2<sup>nd</sup> day of May, 2022.

Marlin Questel

**Marlin Questel**

Tom Buchholz

**Tom Buchholz**

TJ Shamp

**TJ Shamp**

*Township Trustees*

ATTEST:

\* Tammy E. Polen

Fiscal Officer, **Tammy E. Polen**

ORDINANCE NO. 2022-07

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE WAYNE TOWNSHIP TRUSTEES FOR COMPENSATION OF LOST PROPERTY TAX REVENUES DUE RESULTING FROM ANNEXATION; FOR IMMEDIATE ENACTMENT

WHEREAS, The City of Wooster anticipates accepting the annexation of 75.217 acres of territory from Wayne Township Trustee to establish a Tax Increment Financing Incentive District and facilitate the reconstruction of portions of W. Milltown Road and Oak Hill Road and install a roundabout to ease safety and service concerns; and

WHEREAS, a petition for annexation signed by eight of ten property owners within the 75.217 acre territory was filed on March 9, 2022 with the Wayne County Commissioners by Jonathan Millea, a City of Wooster employee, as the agent for the petitioners, as provided by law; and

WHEREAS, the proposed territory to be annexed is valued at approximately 2.6 Million Dollars and generates approximately \$2,900 in revenue for the Wayne Township Trustees annually, and upon conforming of boundaries, Ohio Revised Code 709.19 prescribes that annexing cities compensate impacted townships on a 12-year schedule with a declining percentage of 80% to 42.5% of the property tax revenues it would have received had the territory not been annexed; and

WHEREAS, the City of Wooster partners with its neighbor, Wayne Township, on multiple projects and in order to simplify the annexation process, seeks to compensate Wayne Township on an alternative schedule to ORC 709.19 and provide additional temporary relief associated with the adverse financial impact of annexation.

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

SECTION 1. The Mayor is hereby authorized to enter into an agreement on behalf of the City of Wooster with the Wayne Township Trustees for real estate tax revenue sharing specific to the 75.217 acre territory to be annexed, as further described in Ordinance No. 2022-06. The agreement will include such terms as the Mayor, in his/her discretion, deems appropriate, in addition to one of the following: (1) The City of Wooster shall compensate Wayne Township 100% of the revenues it would have received from the territory annually, had the territory not been annexed, for a period of 12 years; (2) The City of Wooster shall compensate Wayne Township 50% of its net income derived from real estate tax revenues from the territory to be annexed, less its costs incurred on public infrastructure construction and maintenance within the territory, annually for a period of 15 years, except that in no event shall City compensate Wayne Township less than prescribed by ORC 709.19, nor more than 100% of the revenues the Wayne Township would have received had the territory not been annexed.

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

SECTION 3. This Ordinance is hereby declared to be 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 time is of the essence in making a timely application for the funds described above; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

I hereby certify this is a true and correct copy of the original on file.

*John Detwiler*  
City of Wooster City Council



1st reading 5-2-22 2nd reading → 3rd reading 5-2-22

Passed: 5-22, 2022

Vote: 7-0

Attest: *Stephanie DePaulo*  
Clerk of Council

*Michael B. Byrd*  
President of Council

Approved: May 3, 2022

*R. J. Brennan*  
Mayor

Introduced by: Craig Sanders

ORDINANCE NO. 2022-06

AN ORDINANCE STATING TO THE WAYNE COUNTY COMMISSIONERS, PURSUANT TO REVISED CODE SECTION 709.023, THE SERVICES WHICH THE CITY OF WOOSTER WOULD BE ABLE TO PROVIDE FOR A MULTIPLE PARCEL SITE KNOWN AS PARCELS 53-01859.006, 53-01850.008, 53-01918.000, 53-01859.005, 53-01859.004, 53-01859.007, 53-01918.002, 53-01919.000, 53-01312.000, 53-01518.000, 53-01918.001, 53-00030.001 AND 53-00030.000 WHICH ARE CONTIGUOUS TO THE CITY OF WOOSTER, AND ALLOWING FOR IMMEDIATE ENACTMENT. (Jonathan Millea, Agent for Petitioners)

WHEREAS, Jonathan Millea, agent for Petitioners, has, pursuant to Revised Code Section 709.023, filed a petition with the Wayne County Commissioners seeking annexation of 75.217 acres of land owned by petitioners in Wayne Township, adjacent to the City of Wooster (a map of said area is attached hereto); and

WHEREAS, Revised Code Section 709.023 provides that upon the clerk of the municipal legislative authority receiving notice of a proposed annexation, the municipal legislative authority shall, by ordinance or resolution, adopt a statement indicating what services, if any, the municipal corporation will be able to provide upon annexation of the territory proposed for annexation.

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

SECTION 1: That upon annexation to the City of Wooster, the land contained in the petition for annexation would receive the following services from the City of Wooster:

- A. Police protection from the full-time police department of the City of Wooster; and fire protection and emergency squad services from the full-time fire department of the City of Wooster. The projected response time for first arriving fire and emergency units is 4.5 minutes. Full force travel time would be 8 minutes from stations #1 and #3. These services would be immediately available.
- B. A sixteen-inch water line is located along Oak Hill Road, immediately adjacent to the territory proposed for annexation and accessible for extension thereto upon the Petitioners paying the necessary fees and obtaining the necessary permits. The water plant and water resources of the City of Wooster have sufficient capacity to serve this property. This service is planned to be available in the future, however approximate availability dates are not possible at this time.
- C. An eight-inch sanitary sewer is located on Oak Hill Road approximately 60 feet east of the territory proposed for annexation and accessible for extension thereto upon the Petitioners paying the necessary fees and obtaining the necessary permits. The water pollution control plant has sufficient capacity to serve this property. This service is planned to be available in the future, however approximate availability dates are not possible at this time.

I hereby certify this is a true and correct copy of the original on file.

  
Dawn Rutledge  
Clerk, Wooster City Council

D. The City would also provide miscellaneous other city services, including, but not limited to, residential solid waste pickup, maintenance of dedicated streets and access to parks and recreation facilities. These services would be immediately available.

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

SECTION 3. This Ordinance is hereby declared to be 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 it is necessary to act pursuant to statute to provide timely notice to the Wayne County Commissioners of services which the City would provide in order to facilitate the orderly process of annexation; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 3/21/22 2nd reading → 3rd reading 3/21/22

Passed: 3/21, 2022

Vote: 7-0

Attest: Lynne DePaulo  
Clerk of Council

Michael E. Bystok  
President of Council

Approved: March 22, 2022

Rob Breussen  
Mayor

Introduced by: Robert Reynolds





WAYNE COUNTY ENGINEER'S OFFICE  
 SCOTT A. MILLER, P.E., P.S.  
 WAYNE COUNTY ENGINEER

March 28, 2022

Board of Wayne County Commissioners  
 428 West Liberty Street  
 Wooster, OH 44691

**RE: Petition for Annexation to City of Wooster  
 13 Parcels – 75.217 Acres situated in Wayne Twp.  
 County Engineer's Report Submission**

Dear Commissioners:

I have reviewed the Petition for Regular Annexation of 13 parcels and portion of Milltown Road R/W totaling 75.217 Acres in Wayne Township to City of Wooster submitted by Mr. Jonathan S. Millea, Development Coordinator for the City of Wooster, and received in my office by email on March 9, 2022. I offer the following Engineering Report per ORC 709.031(A).

1. The proposed 13 parcels and current owners for annexation are as follows:

Parcel Number	Owner Name
53-01918.002	Paumier, Louis M & Monica
53-01859.007	Morrow, Nancy A & Gregory C S/T
53-01918.000	Foster, John E & Rebecca S
53-01918.001	Shirer, Larry Thomas & Inez F S/T
53-01919.000	Smith, Bryan A & Kendra I
53-01859.008	Craycraft, Gerald F & Julie A
53-00030.000	AEP Ohio Transmission Co. Inc.
53-01859.005	R Miller Land Development Ltd
53-00030.001	Franks, Anita L
53-01859.006	Craycraft, Gerald F & Julie A
53-01518.000	Twichell, Dewitt H & Shepard H
53-01312.000	Twichell, Dewitt H & Shepard H
53-01859.004	R Miller Land Development Ltd

I hereby certify this is a true and correct copy of the original on file

*Diane L. Auster*  
 Diane L. Auster, clerk  
 Wayne County Commissioners

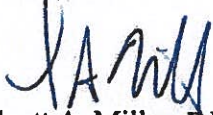
The total area of said parcels and portion of Milltown Road R/W is 75.217 Acres as surveyed by Edward A. Gasbarre, P.S.



2. The parcels and Milltown Road R/W are contiguous, follows existing property lines and are adjacent to the City of Wooster.
3. The petition includes an accurate legal description of perimeter and is attached with a few comments marked in red.
4. The petition includes an accurate Annexation Plat and is attached with a few comments marked in red.
5. The petitioner will need to provide an original description and plat for commissioner's approval and recording.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,



Scott A. Miller, P.E., P.S.  
Wayne County Engineer

Enclosures

Cc: Wayne County Commissioners (email and interoffice mail)  
File

## EXHIBIT A

### BOUNDARY DESCRIPTION 75.217 Acres

Situated in the State of Ohio, County of Wayne, Township of Wayne in the southeast quarter of Section 20, southwest quarter of Section 21, northwest quarter of Section 28 and the northeast quarter of Section 29, T-16N, R-13W.

Described as follows:

Beginning at the southeast corner of Lot 21 of the Hunt Club Subdivision as recorded in plat volume 24, page 48.

Thence with the following THIRTEEN courses:

- 1) N 00° 34' 27" W 1272.84 feet, along the west line of the southwest quarter of Section 21, to the northwest corner of Dewitt H. and Shepard H. Twichell as described in official record volume 624, page 1283.
- 2) S 89° 45' 44" E 1017.60 feet, along the north line of Twichell, to the northeast corner thereof.
- 3) S 03° 35' 57" E 1306.20 feet, along the east line of Twichell, to a point on the south line of the quarter section and in Milltown Road (Township Road 184).  
COUNTY
- 4) N 89° 43' 57" W 650.94 feet, along the south line of the quarter section and in Milltown Road, to the northeast corner of Keystone Transload Services, LLC as described in official record volume 708, page 2563.  
R MILLER LAND DEVELOPMENT LTD
- 5) S 00° 23' 53" E 826.44 feet, into the northwest quarter of Section 28, along the east line of Keystone Transload Services, LLC and the extension thereof, to a point on the north line of Louis M. and Monica Paumier as described in deed volume 639, page 733.  
R MILLER LAND DEVELOPMENT LTD
- 6) S 89° 50' 08" E 164.70 feet, along the north line of Paumier, to the northeast corner thereof.
- 7) S 00° 21' 52" E 499.82 feet, along the east line of Paumier and the extension thereof, to the southeast corner of Larry Thomas and Inez F. Shirer as described in official record volume 386, page 1660 and official record volume 478, page 747.
- 8) N 89° 51' 19" W 600.00 feet, along the south line of Shirer and the extension thereof, to a point on the west line of the quarter section and in Oak Hill Road (Township Road 135) at the southwest corner John E. and Rebecca S. Foster as described in deed volume 636, page 39.  
COUNTY
- 9) N 89° 34' 03" W 971.42 feet, into the northeast quarter of Section 29 and along the south line of AEP Ohio Transmission Company, Inc. as described in official record volume 899, page 1361, to the southwest corner thereof.
- 10) N 02° 32' 52" W 916.39 feet, along the west line of AEP Ohio Transmission Company, Inc., to a point in Milltown Road at the northwest corner thereof.

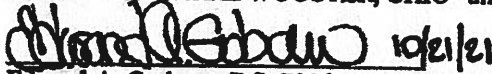
- 11) N 02° 34' 38" W 36.92 feet, along the east line of Robert L. and Brenda Fravel as described in official record volume 921, page 1557, to the southwest corner of Lot 3 of the Milltown Road Subdivision as recorded in plat volume 18, page 17.
- 12) N 51° 47' 04" E 644.91 feet, along the southeasterly line of Lot 3, the extension thereof and passing into the southeast quarter of Section 20 at a distance of 596.59 feet, to the southwest corner of Lot 45 of the Hunt Club Subdivision as recorded in plat volume 24, page 48.
- 13) S 89° 50' 07" E 497.57 feet, along the south line of Lot 45 and the extension thereof, to the Point of Beginning.

This parcel contains 75.217 acres; of which 0.356 Acres lie in the southeast quarter of section 20, 31.470 acres lie in the southwest quarter of Section 21, 15.153 acres lie in the northwest quarter of Section 28 and 28.238 acres lie in the northeast quarter of Section 29.

This description was prepared by Edward A. Gasbarre, P.S. 7036, from information contained in a survey made under his direction, in October of 2021, on behalf of R. W. Gasbarre & Associates, Inc. A copy of that survey is on file at the Wayne County map office. See survey volume \_\_\_\_, page \_\_\_\_.

All bearings are related and based on the east line of the northeast quarter of Section 29 according to record survey WW-435.

All capped pins, both set and found, are 5/8 inch diameter solid steel rods with identification caps marked "GASBARRE WOOSTER, OHIO" unless otherwise noted.

 10/21/21

Edward A. Gasbarre, P.S. 7036

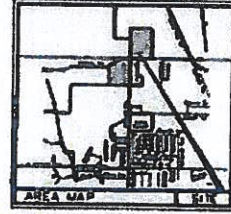
H:\ADAT4\AJOB\2K21\106087\city of Wooster 75.217 Ac Legal.docx

# EXHIBIT B

75.217

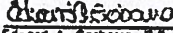
75.217 Ac Total to be Annexed

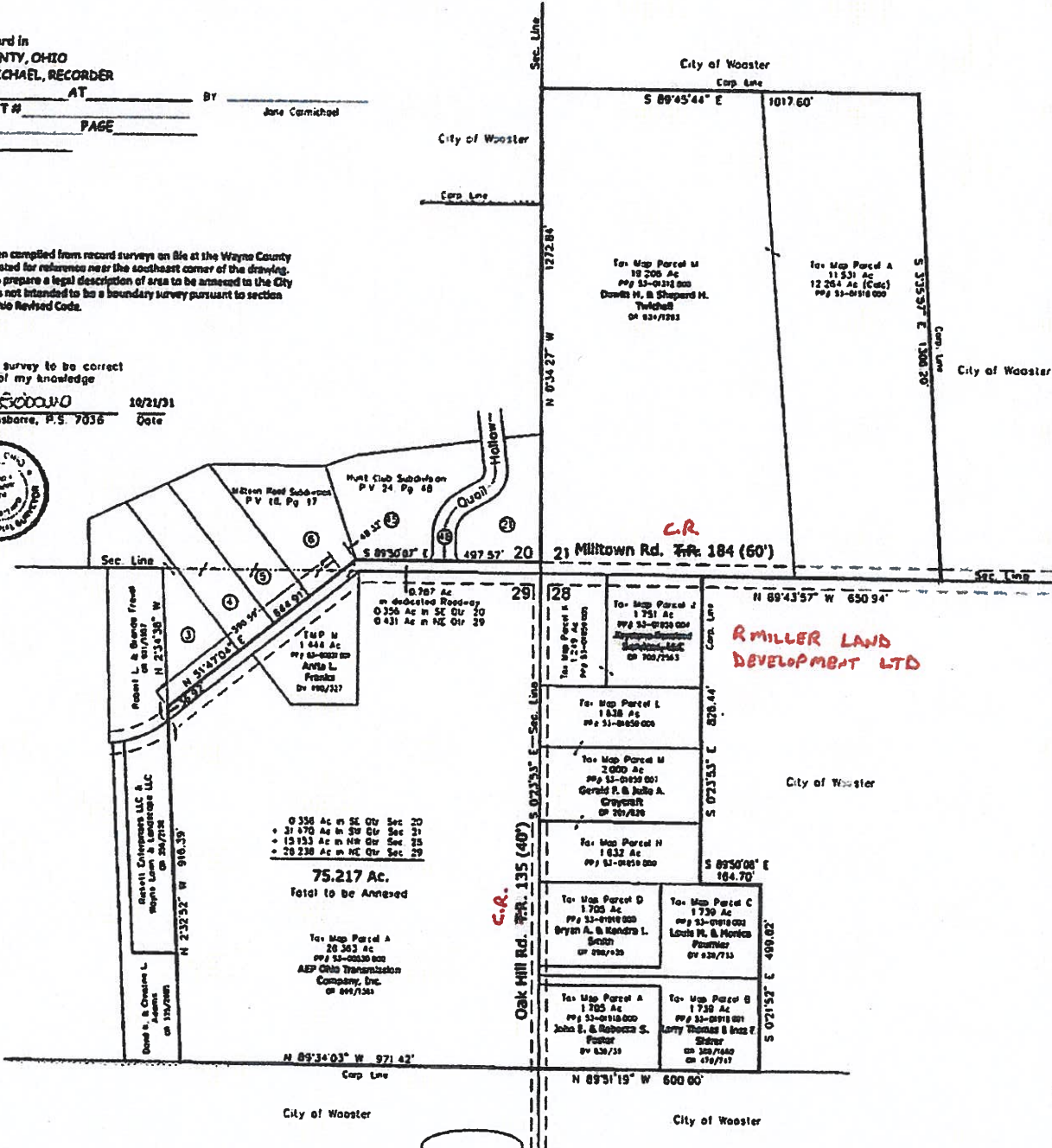
CERTIFIED THIS 24<sup>th</sup> DAY OF \_\_\_\_\_ 2021 BY THE WAJNE COUNTY COMMISSIONERS  
 BY \_\_\_\_\_ SECRETARY  
 APPROVED THIS 24<sup>th</sup> DAY OF \_\_\_\_\_ 2021 BY THE HOUSTON CITY COUNCIL, ORDINANCE No. \_\_\_\_\_ BY \_\_\_\_\_  
 APPROVED THIS 24<sup>th</sup> DAY OF \_\_\_\_\_ 2021 BY THE CITY OF HOUSTON BY \_\_\_\_\_  
 RECEIVED FOR RECORDING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY THE WAJNE COUNTY MAP OFFICE BY \_\_\_\_\_  
 RECEIVED FOR RECORDING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY THE WAJNE COUNTY REGISTER BY \_\_\_\_\_



Filed for record in  
 WAYNE COUNTY, OHIO  
 JANE CARMICHAEL, RECORDER  
 DATE \_\_\_\_\_ AT \_\_\_\_\_ BY Jane Carmichael  
 INSTRUMENT # \_\_\_\_\_  
 PLAT VOL \_\_\_\_\_ PAGE \_\_\_\_\_  
 FEE \$ \_\_\_\_\_

**Note:**  
 This map has been compiled from record surveys on file at the Wayne County Map Office and listed for reference near the southeast corner of the drawing. The purpose is to prepare a legal description of area to be annexed to the City of Wooster and is not intended to be a boundary survey pursuant to section 4733-37 of the Ohio Revised Code.

I believe this survey to be correct  
 to the best of my knowledge  
  
 Edward A. Gasbarre, P.S. 7036 10/21/21 Date



**Annexation to the City of Wooster**  
 Wayne Township  
 SE Qtr. Sec. 20, SW Qtr. Sec. 21, NW Qtr. Sec. 28  
 & NE Qtr. Sec. 29, T-16N, R-13W  
 Wayne County, Ohio

**Legend**  
 ○ - 1/4" or 1/2" iron pin  
 △ - 3/8" or 1/2" steel pin w/ 1/4" dia. cap  
 \* - 1/4" or 1/2" iron pin  
 ⊙ - 1/4" or 1/2" iron pin  
 ⊕ - 1/4" or 1/2" iron pin  
 ⊖ - 1/4" or 1/2" iron pin  
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 ⊕ - 1/4" or 1/2" iron pin  
 ⊖ - 1/4" or 1/2" iron pin  
 ⊗ - 1/4" or 1/2" iron pin  
 ⊘ - 1/4" or 1/2" iron pin

Basis of Bearings: True Meridian of the 1st Meridian of Section 20 per 161-135  
 Def. Surveys: 44-450, 00-26A, 17- 322, 0-203, 11- 757, 00-28, 00-1, 01-433  
 P.V. 13, P. 17, P. 24, P. 40  
 Distance: 27087' (approx. 600 ft)  
**R.L.W. Gasbarre & Associates, Inc.**  
 Professional Land Surveyors  
 421 South Market St - P.O. Box 44  
 Wooster, Ohio 44691  
 PH 330-761-8488



Listing of All Tracts, Lots, or Parcels in Territory Proposed for Annexation  
In accordance with ORC 709.02 (D)

Parcel Number	Owner Name	Address	Mailing Address
53-01918.002	PAUMIER LOUIS M & MONICA	3369 OAK HILL RD WOOSTER OH 44691	3369 OAK HILL RD, WOOSTER, OH 44691
53-01859.007	MORROW NANCY A & GREGORY C S/T	3475 OAK HILL RD WOOSTER OH 44691	3475 OAK HILL RD, WOOSTER, OH 44691
53-01918.000	FOSTER JOHN E & REBECCA S	3355 OAK HILL RD WOOSTER OH 44691	3355 OAK HILL RD, WOOSTER, OH 44691
53-01918.001	SHIRER LARRY THOMAS & INEZ F S/T	3363 OAK HILL RD WOOSTER OH 44691	3363 OAK HILL RD, WOOSTER, OH 44691
53-01919.000	SMITH BRYAN A & KENDRA I	3397 OAK HILL RD WOOSTER OH 44691	3397 OAK HILL RD, WOOSTER, OH 44691
53-01859.008	CRAYCRAFT GERALD F & JULIE A	OAK HILL RD WOOSTER OH 44691	3553 OAK HILL RD, WOOSTER, OH 44691 3475
53-00030.000	AEP OHIO TRANSMISSION COMPANY INC.	3416 OAK HILL RD WOOSTER OH 44691	PO BOX 16428, COLUMBUS, OH 43216
53-01859.005	R MILLER LAND DEVELOPMENT LTD	3553 OAK HILL RD WOOSTER OH 44691	PO BOX 86, HOLMESVILLE, OH 44633
53-00030.001	FRANKS ANITA L	1076 W MILLTOWN RD WOOSTER OH 44691	1076 W MILLTOWN RD, WOOSTER, OH 44691
53-01859.006	CRAYCRAFT GERALD F & JULIE A	OAK HILL RD WOOSTER OH 44691	3553 OAK HILL RD, WOOSTER, OH 44691 3475
53-01518.000	TWICHELL DEWITT H & SHEPARD H TWICHELL	W MILLTOWN RD WOOSTER OH 44691	1525 CLAY ST APT 6, SAN FRANCISCO, CA 94109
53-01312.000	TWICHELL DEWITT H & SHEPARD H TWICHELL	W MILLTOWN RD WOOSTER OH 44691	1525 CLAY ST APT 6, SAN FRANCISCO, CA 94109
53-01859.004	R MILLER LAND DEVELOPMENT LTD	3555 OAK HILL RD WOOSTER OH 44691	PO BOX 86, HOLMESVILLE, OH 44633

Listing of All Tracts, Lots, or Parcels Adjacent to Territory Proposed for Annexation  
In accordance with ORC 709.02 (D)

Parcel Number	Owner Name	Address	Mailing Address
67-02914.000	WOOSTER DEVELOPMENT COMPANY LTD	3146 OAK HILL RD WOOSTER OH 44691	1825 ENTERPRISE DR, WOOSTER OH 44691
53-02015.004	ADAMS DAVID K & CHRISTINE L S/T	1168 W MILLTOWN RD WOOSTER OH 44691	1168 W MILLTOWN RD WOOSTER OH 44691
67-02873.000	BOARD OF EDUCATION WOOSTER CITY	515 851 OLDMAN RD WOOSTER OH 44691	144 N MARKET ST, WOOSTER OH 44691
53-02015.002	RICKETT ENTERPRISES LLC & WAYNE LAWN AND LANDSCAPE LLC	1150 W MILLTOWN RD WOOSTER OH 44691	1150 W MILLTOWN RD WOOSTER OH 44691
53-00556.003	INDORF MATTHEW WAYNE	1065 W MILLTOWN RD WOOSTER OH 44691	1065 W MILLTOWN RD WOOSTER OH 44691
53-01743.033	JOHNSON NEIL S & ERIN J	3640 QUAIL HOLLOW DR WOOSTER OH 44691	3640 QUAIL HOLLOW DR WOOSTER OH 44691
53-01743.008	TROYER KYLE	3711 QUAIL HOLLOW DR WOOSTER OH 44691	3711 QUAIL HOLLOW DR WOOSTER OH 44691
53-01743.013	FAGERT DANIEL G TRUSTEE	1061 HUNT CLUB DR WOOSTER OH 44691	1061 HUNT CLUB DR WOOSTER OH 44691
67-02950.019	BAKER CAROL S YOCOM	894 CHURCH HILL CT WOOSTER OH 44691	894 CHURCH HILL CT WOOSTER OH 44691
67-02950.017	LAMBERT CHARLES L & BERNADETTE M S/T	3891 SPRING BROOK WOOSTER OH 44691	3891 SPRING BROOK WOOSTER OH 44691
67-02950.016	MASOWICH GARRY A & KAREN E S/T	3915 SPRING BROOK WOOSTER OH 44691	3915 SPRING BROOK WOOSTER OH 44691
67-02871.029	ABDULLAH HAFIZ MUHAMMAD & SARA SALIM S/T	3911 INVERNESS DR WOOSTER OH 44691	3911 INVERNESS DR WOOSTER OH 44691
67-02871.036	MILLER DAVID B & DIANA A SPRINGER S/T	790 WHITETAIL CROSSING WOOSTER OH 44691	790 WHITETAIL CROSSING WOOSTER OH 44691
67-02871.033	MALLOY WILLIAM F TRUSTEE	744 WHITETAIL CROSSING WOOSTER OH 44691	744 WHITETAIL CROSSING WOOSTER OH 44691
67-02871.032	WILLIAMSON ALICE E	730 WHITETAIL CROSSING WOOSTER OH 44691	730 WHITETAIL CROSSING WOOSTER OH 44691
67-02871.031	SILVER KAREN LEE	716 WHITETAIL CROSSING WOOSTER OH 44691	716 WHITETAIL CROSSING WOOSTER OH 44691
67-02871.037	BURCKHART PATSY A TRUSTEE	800 WHITETAIL CROSSING WOOSTER OH 44691	800 WHITETAIL CROSSING WOOSTER OH 44691
67-02871.035	LEE CHANHEE	776 WHITETAIL CROSSING WOOSTER OH 44691	776 WHITETAIL CROSSING WOOSTER OH 44691
67-02964.000	DONALD & ALICE NOBLE FOUNDATION INC THE	W MILLTOWN RD WOOSTER OH 44691	121 N MARKET ST, WOOSTER OH 44691
53-00556.000	FRAVEL ROBERT L & BRENDA K S/T	W MILLTOWN RD WOOSTER OH 44691	1147 W MILLTOWN RD, WOOSTER OH 44691
53-01743.006	HUNT CLUB SUBDIVISION HOMEOWNERS ASSOCIATION INC	3639 QUAIL HOLLOW DR WOOSTER OH 44691	1400 HUNT CLUB DR, WOOSTER OH 44691
67-02868.000	LOWES HOME CENTERS INC	3790 BURBANK RD WOOSTER OH 44691	1000 LOWES BLVD, MOORESVILLE, NC 28117
67-02868.006	KOHL'S ILLINOIS INC	3792 BURBANK RD WOOSTER OH 44691	PO BOX 2148, MILWAUKEE, WI 53201
67-02871.030	WEAVER CUSTOM HOMES INC	WHITETAIL CROSSING WOOSTER OH 44691	124 E LIBERTY ST., SUITE A, WOOSTER OH 44691
53-01692.000	FRAVEL ROBERT L & BRENDA K S/T	1147 W MILLTOWN RD WOOSTER OH 44691	1147 W MILLTOWN RD WOOSTER OH 44691
53-00556.001	WECKESSER JAMES M & JANICE E S/T	1099 W MILLTOWN RD WOOSTER OH 44691	1099 W MILLTOWN RD WOOSTER OH 44691
67-02950.018	GREEN GARY J & CHERYL A S/T	3875 SPRING BROOK WOOSTER OH 44691	3875 SPRING BROOK WOOSTER OH 44691
67-02871.034	CHAPMAN ANGELA E & STEVEN W RHOADS TRUSTEES	760 WHITETAIL CROSSING WOOSTER OH 44691	760 WHITETAIL CROSSING WOOSTER OH 44691
67-02967.000	CRAYCRAFT GERALD F & JULIE A S/T	W MILLTOWN RD WOOSTER OH 44691	3553 OAK HILL RD, WOOSTER, OH 44691
53-00556.002	WECKESSER JAMES M & JANICE E S/T	W MILLTOWN RD WOOSTER OH 44691	1099 W MILLTOWN RD, WOOSTER OH 44691
53-01743.034	HUNT CLUB SUBDIVISION HOMEOWNERS ASSOCIATION INC	QUAIL HOLLOW DR WOOSTER OH 44691	1400 HUNT CLUB DR, WOOSTER OH 44691
67-02865.001	LORAL LOWES PROPERTY LLC	3934 BURBANK RD WOOSTER OH 44691	3477 COMMERCE PKWY STE B1, WOOSTER OH 44691
67-02871.078	RESERVE AT DEER CREEK PROPERTYOWNERS COMMON GROUND ASSOC	RIFFEL RD WOOSTER OH 44691	PO BOX 1416, WOOSTER OH 44691

ORDINANCE NO. 2022-17

AN ORDINANCE AMENDING PART ELEVEN, ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, TO RE-ZONE LAND TO R-2 (SINGLE-FAMILY RESIDENTIAL DISTRICT) AND R-4 ((MULTI-FAMILY RESIDENTIAL DISTRICT) FOR PROPERTY LOCATED AT THE INTERSECTION OF MILLTOWN AND OAK HILL ROAD

WHEREAS, an application has been duly filed by Vince Marion with the Planning Commission of the City of Wooster requesting the re-zoning of a portion of 75.217 acres of land known as Parcel Numbers 53-01312.000 and 53-01518.000, from R-1 (Suburban Single Family Residential) to R-4 (Multi-Family Residential District) and the remaining portion of said 75.217 acres known as Parcel Numbers 53-01918.002, 53-01859.007, 53-01918.000, 53-01918.001, 53-01919.000, 53-01859.008, 53-00030.000, 53- 01859.005, 53-00030.001, 53-01859.006, and 53-01859.004 from R-1 (Suburban Single Family Residential) to R-2 (Single Family Residential District); and

WHEREAS, at its July 7, 2022, meeting, and after a public hearing in accordance with law, the Planning Commission voted unanimously to recommend to the City Council that the proposed re-zoning of the property from R-1 (Suburban Single Family Residential) to R-2 (Single Family Residential District) and R-4 (Multi-Family Residential District) be approved; and

WHEREAS notice of a public hearing by the City Council on this re-zoning has been duly given, and a public hearing has been held, all in accordance with law; and

WHEREAS, this City Council deems that the proposed zoning designation for the land should be approved.

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

SECTION 1. That Part Eleven, Planning and Zoning Code, of the Codified Ordinances of the City of Wooster, known as the Zoning Ordinance, is amended so as to re-zone land, 75.217 acres of land known as Parcel Numbers 53-01312.000 and 53-01518.000, from R-1 (Suburban Single Family Residential) to R-4 (Multi-Family Residential District) and the remaining portion of said 75.217 acres known as Parcel Numbers 53-01918.002, 53-01859.007, 53-01918.000, 53-01918.001, 53-01919.000, 53-01859.008, 53-00030.000, 53- 01859.005, 53-00030.001, 53-01859.006, and 53-01859.004 from R-1 (Suburban Single Family Residential) to R-2 (Single Family Residential District); and as appears on the attached map.

SECTION 2. The Planning Division is directed to change the official zoning map to conform to the above-described amendment.

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 the law.



SECTION 4. This Ordinance shall take effect and be in full force from and after the earliest date allowed by law.

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

Passed: \_\_\_\_\_, 2022

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

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

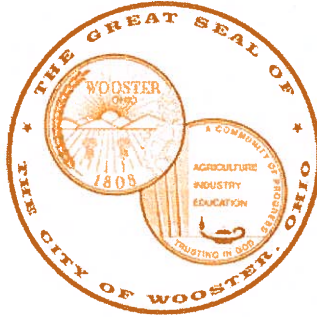
Clerk of Council

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

Approved: \_\_\_\_\_, 2022

\_\_\_\_\_  
Mayor

Introduced by: Bob Reynolds



**WOOSTER CITY COUNCIL**  
538 N. Market Street \* P.O. Box 1128  
Wooster, Ohio 44691-7082  
Phone 330-263-5200 \* [www.woosteroh.com](http://www.woosteroh.com)

## **PUBLIC HEARING**

The Wooster City Council will hold a public hearing on a request by the City of Wooster requesting approval to assign zoning as follows on parcels accepted by the City of Wooster and approved for annexation, on parcels 53-01312.000 and 53-01518.000 of R-4 (Multi-Family Residential) and assign zoning on parcels 53-01918.002, 53-01859.007, 53-01918.000, 53-01918.001, 53-01919.000, 53-01859.008, 53-00030.000, 53-01859.005, 53-00030.001, 53-01859.006, and 53-01859.004 of R-2 (Single Family Residential) totaling 75.217 acres of land.

The hearing will be held on Tuesday, September 6, 2022 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 given the opportunity to be heard by City Council and submit evidence and written comments with respect to the proposed zoning.

Special auxiliary aids for handicapped persons are available upon request with appropriate notice. For further information, to submit written comments prior to the meeting or to request special auxiliary aids, contact the Clerk of Council at (330) 263-5242 or at [ldepaulo@woosteroh.com](mailto:ldepaulo@woosteroh.com).

Lynne DePaulo  
Clerk of Council

Publish: Thursday, August 25, 2022

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#2

### Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

<b>Division</b> Planning and Zoning	<b>Meeting Date Requested</b> Next Regular Meeting
<b>Project Name</b> Zoning for Milltown/Oak Hill Anne	<b>Estimated Total Funds/Costs</b> NA
<b>Is Full Amount Budgeted?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>If YES, three readings NOT REQUIRED</b>	
<b>If No, How is the Purchase to be Funded?</b>	
<b>Description of Request</b> Establish zoning on 75.217 acres of land being annexed into the City of Wooster at the intersection of Milltown Road and Oak Hill Road. Proposed zoning is R-4 (Multi-family) for parcels 53-01312.000 and 53-01518.000 to the centerline of Milltown Road and R-2 (Single-Family) for the remainder of the parcels approved for annexation.  The Planning Commission held a public hearing on the application on 7/7/22 and voted 6-0 to recommend approval of proposed zoning classifications to City Council.  A public hearing is required. When more than 10 parcels are included in the application individual notice is not required.	
<b>Justification / Benefits</b> Planning Commission members voted 6-0 to recommend approval of application PC-22-16 to establish R-4 zoning on 30.737 acres of land north of Milltown Road with parcel numbers 53-01312.000 and 53-01518.000 to the centerline of the roadway and R-2 zoning on the remainder of the approved annexation.	
<b>Will this Project affect the City's Operating Costs</b> No.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> If no action is taken to establish zoning, the zoning classification will default to R-1 (Suburban Single-Family). If default zoning were to occur, the R-1 district would be adjacent to C-3 (general commercial district), R-2 (single-family), R-4 (multi-family) and CF (community facilities).	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>If Yes, Explain The Circumstances:</b>	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>If Yes, Note Reasons</b>	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Vince Marion	<b>Date:</b> 7/8/22

Approved for Agenda  Yes  No



**PLANNING COMMISSION  
APPLICATION INFORMATION SHEET**

**Application Number**

PC-22-16

**Scheduled Meeting Date**

July 7, 2022

**Application Type**

Zoning Amendment - Map

**Property Location**

538 N MARKET ST

**Property Information**

Acreage: 0.4

Zoning: C-1

**Property Owner**

CITY OF WOOSTER

**Applicant**

Vince Marion

**Applicant's Project Description**

Establish zoning on 75.217 acres of land being annexed into the City at the intesection of Milltown Road and Oak Hill Road. New zoning will be R-4 and R-2.

**Agenda Text**

Recommendation to establish R-4 zoning on parcels 53-01312.000 and 53-01518.000 and R-2 zoning on parcels 53-01918.002, 53-01859.007, 53-01918.000, 53-01918.001, 53-01919.000, 53-01859.008, 53-00030.000, 53-01859.005, 53-00030.001, 53-01859.006, and 53-01859.004 for a total of 75.217 acres of land being annexed into the City of Wooster at the intersection of Milltown Road and Oak Hill Road.

**PC-22-16**

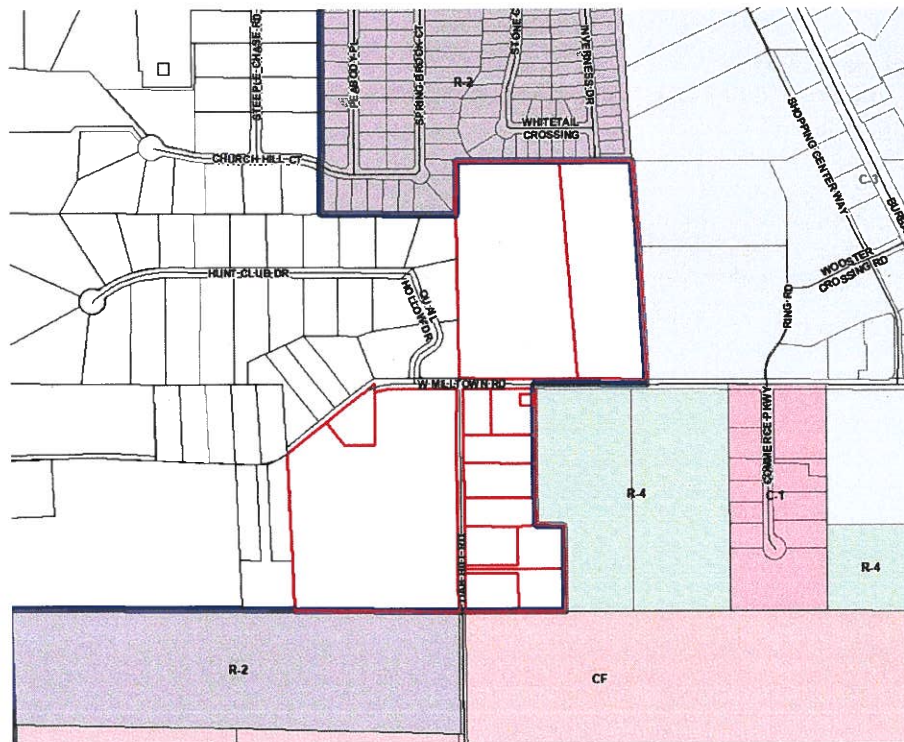
**Establishing the Zoning of 75.217 acres of land annexed into the City of Wooster**

- Property Owner: Various property owners – listed on exhibit A
- Applicant: City of Wooster
- Location: North of the existing Wooster City border along the west and east side of Oak Hill Road including 30.737 acres on the north side of Milltown Road (west of the existing Wooster City border) Total area to be annexed is 75.217 acres
- Existing Zoning: Unincorporated
- Proposed Zoning: R-2 south of Milltown and R-4 north of Milltown.
- Request: An approval recommendation from the Planning Commission to establish R-2 and R-4 zoning for the area approved for annexation into the City of Wooster.

**LOCATION AND SURROUNDING USES**

The proposed site consists of 75.217 acres located at the intersection of West Milltown Road and Oak Hill Road. The specific parcels are detailed in red below. Adjacent properties include the following zoning classifications:

- North – R-2
- East – C-3 and R-4
- South – R-2 and CF
- West – Unincorporated



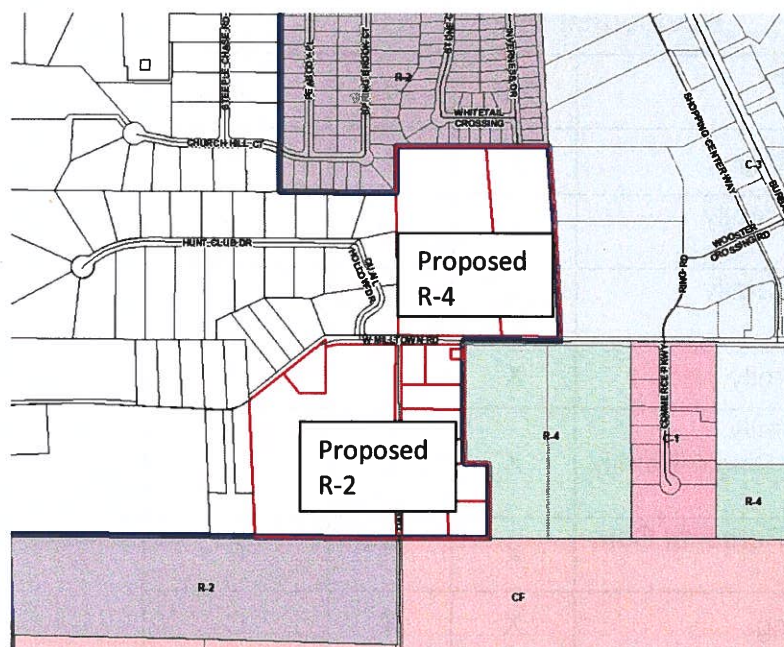
## **PROPOSED APPLICATION/BACKGROUND**

### **Relevant Section 1107.04 Annexation**

(a) Unless otherwise stated in the conditions of annexation, territory annexed to or otherwise becoming a part of the City shall be zoned by City Council upon recommendation of the Planning Commission as per Section 1105.03. The Planning Commission shall recommend a zoning classification to City Council prior to the time City Council accepts an annexation.

The area under review has been approved for annexation into the City of Wooster by the Wayne County Commissioners. The petitioners north of Milltown have requested the area be zone R-4 to allow for the potential development of multi-family residential units (*see attached letter of support*). There is existing R-4 zoning on the south and C-3 zoning to the east. The R-4 zoning classification will provide a logical step in zoning between the R-2 zoning to the north and residential use in the unincorporated area to the west. There is also a significant elevation change and a ravine that buffers the unincorporated area to the west. The area to be annexed south of West Milltown Road is proposed to be zoned R-2. As a portion of the southern adjacent area is zoned R-2, the proposed R-2 zoning is appropriate. The area to be annexed that is east of Oak Hill Road and south of West Milltown Road is predominately developed as detached single-family residential. Detached single-family residential is the only permitted use in an R-2 district other than the raising of crops and passive parks, which are permitted in all districts.

Utilities will be installed in order to provide the proper service for residential use within the R-4 and R-2 zoning districts. (*See attached memo regarding the need for the improved infrastructure, financing for the improved infrastructure, and the need for increased housing options*)







**ZONING DISTRICT INTENT**

The R-2 Single-Family Residential District is established to promote, preserve and protect medium-low density predominantly single-family neighborhoods in the City. Two-family dwellings are restricted to locations where they are designed and located in a manner that is compatible with the existing or proposed residential neighborhood.

The R-4 Multi-Family Residential District is established to provide, preserve and protect locations for high density apartment development in areas with appropriate levels of service.

**PERMITTED USES AND STANDARDS**

**Uses**

Table 1109-1 of the Wooster Planning and Zoning Code includes a list of all Permitted (P), Permitted with Standards (PS), Conditional (C), and Prohibited (X or not included in the table) principal uses in R-1, R-2 and R-4 zoning districts. The R-1 district is included because this is the default zoning district if no action is taken to establish zoning when accepting the annexation. I have removed uses that are prohibited in all three zoning districts.

Use Type	R-1	R-2	R-4
<b>Agricultural Uses</b>			
Agriculture (Raising of Crops)	P	P	P
Community Gardens	PS	PS	PS
<b>Residential Uses</b>			
Cluster Residential Development	PS	PS	X
Dwellings, Multi-Family	X	X	P
Dwellings, Single-Family Attached	X	X	P
Dwellings, Single-Family Detached	P	P	X
Dwellings, Two-Family	X	C	P
Dwellings, Two-Family Conversion from a Single-Family Dwelling	X	X	PS
Skilled Nursing or Personal Care Facilities	X	X	C
Transitional Housing	X	X	C



Use Type	R-1	R-2	R-4
<b>Commercial and Offices Uses</b>			
Bed and Breakfast Establishments	X	C	X
<b>Public and Institutional Uses</b>			
Active Recreational Uses	C	C	P
Cemeteries	C	X	X
Community Recreation Facility	C	C	C
Cultural Facilities and Structures	C	C	C
Educational Institutions (K-12)	C	C	C
Essential Services	Exempt per Section <u>1101.05(b)</u> .		
Government Facilities	C	C	C
Government Offices	C	C	C
Nursery Schools or Day Care Centers (Children or Adults)	C	C	C
Passive Parks, Open Space, and Natural Areas	P	P	P
Places of Worship	C	C	C
Utility Facilities and Buildings	C	C	C
Wireless Telecommunication Facilities	See Section <u>1109.03(f)(10)</u> .		



**Development Standards**

<b>SITE DEVELOPMENT STANDARDS FOR R-1, R-2 and R-4 RESIDENTIAL ZONING DISTRICTS</b>			
	R-1	R-2	R-4
Minimum Lot Area	8700 sgft	6500 sqft	2 acres
Minimum Lot Width at the Building Line (Feet)	70	50	125
Minimum Lot Frontage for Cul-de-Sac Lots (Feet)	50	40	
Minimum Front Yard Building Setback (Feet)	25	25	40
Side Yard Building Setback (Feet) – Minimum for Each Side	5	5	50 from R-1, R-2, and R-T, 20 all other districts
Minimum Side Yard Building Setback (Feet) – Total of Both Sides	15	15	
Minimum Rear Yard Building Setback (Feet)	20	20	50 from R-1, R-2 and, R-T, 20 all other districts
Maximum Lot Coverage by Buildings	30%	30%	40%
Total Maximum Lot Coverage	40%	40%	60%
Maximum Building Height (Feet)	35	35	60
Density per acre	N/A	N/A	15

**REVIEW CRITERIA**

Recommendations and decisions on zoning map amendment applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

- 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 public health, safety, and general welfare;
- D. The uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity;
- E. The proposed amendment follows lot lines or the centerlines of streets, railroads, or other rights-of-way;
- F. Adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified;

- G. The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated;
- H. The proposed amendment will not constitute an instance where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances;
- I. The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract; and
- J. The proposed amendment would correct an error in the application of this Planning and Zoning Code as applied to the subject property.

**PLANNING AND ZONING DIVISION STAFF RECOMMENDATION**

Staff recommends approval of application PC-22-16 to establish R-4 zoning on 30.737 acres of land north of Milltown Road with parcel numbers 53-01312.000 and 53-01518.000 to the centerline of the roadway and R-2 zoning on the remainder of the approved annexation.

The staff's recommendation is based on the appropriateness of the proposed zoning classification for the property in relation to the subject review criteria and does not consider any specific use or plan for the site. It is the staff's assessment that:

- The application is consistent with the objectives of the Comprehensive Plan by expanding housing options for new and existing residents. In speaking with businesses and employers it has been stated numerous times that housing is needed to attract and retain employees.
- The area being considered for R-4 is contiguous to C-3 and R-2 with R-4 across Milltown Road. The R-4 zoning will provide step zoning between the R-2 on the north and the unincorporated area to the west.
- The majority of the proposed R-2 area is on the west side of Oak Hill Road and is undeveloped. This area is adjacent to R-2 zoning on the south. The detailed area on the east side of Oak Hill Road is mostly developed as single-family and the remaining vacant parcels should be developed as single-family. This area is adjacent to the R-4 zoning district on the east and CF zoning on the south.
- Utilities will be upgraded and installed to service the intended permitted uses of the proposed zoning districts.





## **CITY OF WOOSTER**

### **Planning and Zoning Division**

538 North Market Street Wooster, OH 44691

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

June 23, 2022

#### **DAILY RECORD**

**PLEASE PUBLISH June 26, 2022**

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The City of Wooster will hold the regular meetings of the Planning Commission and the Board of Building and Zoning Appeals on Thursday, July 7, 2022. The meetings will be held at City Hall, 1<sup>st</sup> floor Council Chambers, 538 North Market Street, Wooster, Ohio.

The Planning Commission will hold public hearings for the following applications at their meeting, which will begin at 6:30 pm: PC-22-15 Thomas Winkhart requesting Final Development Plan approval for the construction of a mixed-use residential development consisting of single-family homes and two, four, and eight-unit multi-family buildings with a community center with parcel numbers 71-00250.000 and 71-00251.000 (4677 Melrose Drive) in a PD (Planned Development) zoning district. PC-22-16 Recommendation to establish R-4 zoning on parcels 53-01312.000 and 53-01518.000 and R-2 (Single Family Residential) zoning on parcels 53-01918.002, 53-01859.007, 53-01918.000, 53-01918.001, 53-01919.000, 53-01859.008, 53-00030.000, 53-01859.005, 53-00030.001, 53-01859.006, and 53-01859.004 for a total of 75.217 acres of land being annexed into the City of Wooster at the intersection of Milltown Road and Oak Hill Road.

The Board of Building and Zoning Appeals will hold public hearings for the following applications at their meeting, which will begin at 7:30 pm: BZA-22-8 James Worthington requesting an Area Variance from Planning and Zoning Code Sections 1109.03(6)D and 1125.03(h)(3) to allow a parking area for car sales and driveway area without a hard surface at 3669 Cleveland Road in a C-3 (General Commercial) zoning district. BZA-22-9 Matthew Knight requesting an Area Variance from Planning and Zoning Code Section 1113.01(e)8D to allow a fence using rolled wire/chicken wire at 4029 Cleveland Road in a C-3 (General Commercial) zoning district. BZA-22-10 J. Douglas Drushal requesting a Use Variance from Planning and Zoning Code Section 1109.02(d) to allow an expansion of a vehicle washing establishment and an area Variance from Planning and Zoning Code Section 1115.04(a) (Table 1115-3, minimum front yard building setback) at 611 West Liberty Street in a C-2 (Community Commercial) zoning district. BZA-22-12 Timothy Hughes requesting a Use Variance from Planning and Zoning Code Section 1131.05(h)(1)(A) to allow for the continuance of a discontinued nonconforming use of a mobile home at 1233 Eastern Ave, parcel number 65-01784.000 in an R-T (Traditional Residential) zoning district. BZA-22-13 J. Douglas Drushal requesting an Area Variance from Planning and Zoning Code Section 1113.01(e)(8)(D)(iv) to allow a fence with barbed wire less than the required height of 8 feet at 2708 Akron Road, parcel 67-02436.000 in an I-1 (Office/Limited Industrial) zoning district.

All interested parties are welcome to attend and will be given the opportunity to address the Commission and Board during the public hearing portion of the meetings and submit evidence and written comments with respect to the applications. 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 Vincent Marion, Planning and Zoning Manager, at [vmarion@woosteroh.com](mailto:vmarion@woosteroh.com), (330) 263-5238 or 538 North Market Street, Wooster, Ohio.

Parcel	PPOwner	PPAddress
53-01918.002	PAUMIER LOUIS M & MONICA	3369 OAK HILL RD WOOSTER OH 44691
53-01859.007	MORROW NANCY A & GREGORY C S/T	3475 OAK HILL RD WOOSTER OH 44691
53-01918.000	FOSTER JOHN E & REBECCA S	3355 OAK HILL RD WOOSTER OH 44691
53-01918.001	SHIRER LARRY THOMAS & INEZ F S/T	3363 OAK HILL RD WOOSTER OH 44691
53-01919.000	SMITH BRYAN A & KENDRA I	3397 OAK HILL RD WOOSTER OH 44691
53-01859.008	CRAYCRAFT GERALD F & JULIE A	OAK HILL RD WOOSTER OH 44691
53-00030.000	AEP OHIO TRANSMISSION COMPANY INC	3416 OAK HILL RD WOOSTER OH 44691
53-01859.005	R MILLER LAND DEVELOPMENT LTD	3553 OAK HILL RD WOOSTER OH 44691
53-00030.001	FRANKS ANITA L	1076 W MILLTOWN RD WOOSTER OH 44691
53-01859.006	CRAYCRAFT GERALD F & JULIE A	OAK HILL RD WOOSTER OH 44691
53-01518.000	TWICHELL DEWITT H & SHEPARD H TWICHELL	W MILLTOWN RD WOOSTER OH 44691
53-01312.000	TWICHELL DEWITT H & SHEPARD H TWICHELL	W MILLTOWN RD WOOSTER OH 44691
53-01859.004	R MILLER LAND DEVELOPMENT LTD	3555 OAK HILL RD WOOSTER OH 44691

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# CRITCHFIELD

www.ccj.com

June 14, 2022

City of Wooster  
Attn: Vince Marion, Planning and Zoning Manager  
538 N. Market Street  
Wooster, OH 44691

Re: Zoning Map Amendment – W. Milltown Rd  
Wayne County Parcel Nos. 53-01312.000 and 53-01518.000 (“Property”)

Dear Vince:

By way of introduction, my firm represents DeWitt H. Twichell and Shepard H. Twichell with regard to the Property referenced above. Please accept this letter as written confirmation that Messrs. Twichell are in support of the City of Wooster’s pending application to annex the Property into the City of Wooster, as well as the proposed zoning of the Property in the Multi-Family Residential District (R-4).

Please let me know if you require any other information related regarding this matter.

Very truly yours,

*Critchfield, Critchfield & Johnston, Ltd.*

Matthew A. Long

MAL/rfs  
Enclosures

4887-5249-8981, v. 1





538 N. Market Street \* P.O. Box 112  
Wooster, Ohio 44691-3406



**Jonathan S. Millea, AICP CEcD**

Development Coordinator

Phone : (330) 263-5250

Fax: (330) 263-5247

Email: [jmillea@woosteroh.com](mailto:jmillea@woosteroh.com)

## MEMO

**To:** Wooster City Planning Commission, Administration  
**From:** Jonathan Millea, Development Coordinator  
**Date:** 6/17/2022  
**Re:** **Zoning Recommendations further Economic Plan**

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Dear Commissioners,

Our Office of Community and Economic Development believes the recommended zoning for the proposed 75.217-acre annexation would significantly further the aspirations of our community's recently adopted **Economic Development Plan** for the *Oak Hill Tax Increment Financing Incentive District*. This is specially-designated 275-acre area including the Wooster City High School and adjacent vacant lands, where improvements to *public* infrastructure may be funded by *future* property taxes generated from new *private* development. Specifically, the plan outlines a \$9.4MM funding strategy to install a roundabout at Oak Hill / W. Milltown and at Oak Hill / Oldman, road widening along W. Milltown and Oak Hill within the territory to be annexed, and sanitary sewer extension to support the High School campus and also encourage additional housing development.

The new infrastructure is needed to enhance safety along Wooster's busiest two-lane road (12,045 daily trips), and also to support anticipated future housing growth and an expansion of school facilities. Housing remains a critical concern for our business community, with many top employers citing multi-family as the most pressing concern as firms attempt to recruit workers from increasingly distant places. Whereas the City's 2015 Downtown Strategic Redevelopment Study outlined a demand for 240 new apartments in the downtown Wooster effective market area (EMA) by 2020, actual new housing starts have barely kept up with the loss of units due to demolition and repurposes. At the same time, the City of Wooster has welcomed several major business expansions, including GOJO Industries, Daisy Brand, Wooster Brush, and Certified Angus Beef. In April, Wayne County reached its *lowest-ever* unemployment rate at 2.5%.

The combination of R-2 and R-4 zoning would provide opportunities for both single-family and multi-family residential uses in the vicinity of an expanding school campus, parks, trails, and retail. R-4 in particular serves as a natural transition between intense commercial uses and residential single-family uses, and unlike current conditions, would not necessarily require public through-access to Inverness if developed. Should development actually occur over the course of the next two decades, not only would our residents, future residents, and employers find some lessened housing pressures, but city taxpayers and our school district partners would stand to earn a significant savings, as new development will also have the effect of *lowering* the financial burden for city taxpayers and all sanitary-sewer rate-payers.

More information on the plan may be found from our website at: <https://www.woosteroh.com/economic-development> under "Special Announcements & Studies".

Thank you for your consideration!

Sincerely,

*Jonathan Millea, AICP, CEcD*

Development Coordinator

# Resolution

No. 2022-294

## Board of Wayne County Commissioners

Ron Amstutz    Rebecca S. Foster    Sue A. Smail

*Adopted:* June 1, 2022

*Subject:* **Approval of a Regular Annexation to the City of Wooster, Wayne County, Ohio (2022-A1 Regular ORC 709.02)**

It was moved by Commissioner Foster and seconded by Commissioner Smail that the following resolution be adopted:

WHEREAS, on March 9, 2022, Jonathan S. Millea, on behalf of Petitioners, filed with the Board of County Commissioners, Wayne County, Ohio, a Petition for Annexation to the City of Wooster, County of Wayne, pursuant to RC 709.02 which Petition was entered on the journal on March 16, 2022, pursuant to Resolution No. 2022-147; and

WHEREAS, said Petition is valid in that:

1. The Petition conforms to all of the statutory requirements outlined in Chapter 709 of the Ohio Revised Code and contains all of the matters required by RC 709.02.
2. RC 709.02(C)(1) requires signatures from at least 51% of property owner(s), this Petition is signed by over 51% of property owner(s) of the territory proposed to be annexed and no signature is dated more than 180 days before the date of the filing of the Petition [RC 709.02(C)(1)].
3. The Petition includes an accurate legal description of the perimeter and an accurate map or plat of the territory proposed for annexation [RC 709.02(C)(2)].
4. The Petition names authorized agent for the Petitioner(s) [RC 709.02(C)(3)].
5. The Petition includes a list of all tracts, lots, or parcels proposed to be annexed; and all tracts, lots or parcels located adjacent to the territory to be annexed or directly across the road when a road is adjacent to the territory to be annexed, including the name and mailing address of the owner of each tract, lot or parcel, and the auditor's permanent parcel number for each tract or parcel [RC 709.02(D)];
6. Any owner that is a firm, trustee or corporation has been signed by a person authorized to sign for that entity [RC 709.02(E)];
7. The City of Wooster has complied with RC 709.03(D) by adopting Ordinance No. 2022-06, which indicates what services it will provide upon annexation, and the approximate date it will provide such services.

WHEREAS, Agent for the Petitioner(s), caused written notice of hearing to be sent to all owners of property adjacent to the property to be annexed and caused a notice of hearing to be published; and

WHEREAS, a hearing on this Petition was held by this Board on May 11, 2022 in the Commissioners' Meeting Room, 428 W. Liberty St., Wooster, Ohio with no opposition to the annexation presented; and

WHEREAS, the record in this matter consists of the following:

- a. The Annexation Petition;
- b. The Notice of Petition for Annexation;
- c. A certification that notice of the filing of the Petition for Annexation was served by publication and by certified mail;
- d. The Ordinance or Resolution from the municipal corporation indicating the services that will be provided;
- e. Digital Recording of Public Hearing prepared by Clerk of the Board of Wayne County Commissioners approved by the Board on May 18, 2022;
- f. Annexation Agreement between the City of Wooster and the Trustees of Wayne Township; and

WHEREAS, based upon a preponderance of the substantial, reliable and probative evidence found within the record, this Board finds that:

1. The requirements stated in 709.033(A)(1) – (3) have been met, as stated above.
2. The territory proposed to be annexed is not unreasonably large.
3. On balance, the general good of the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding areas will outweigh the detriments to the territory proposed to be annexed and the surrounding area RC 709.033(A)(5).
4. No street or highway will be divided or segmented by the boundary line between a township and the municipality as to create a road maintenance problem.

IT IS HEREBY RESOLVED that the Petition for Annexation be granted.

IT IS FURTHER RESOLVED that a certified copy of this Resolution be sent to the Wayne County Auditor, City of Wooster Clerk of Council, Fiscal Officer of Wayne Township, and to the Agent for the Petitioner(s); and then if no appeal is filed within 30 days, certified copies of this Resolution, Petition, map, Statement of Services and all other papers on file along with the minutes of these proceedings be delivered to the City of Wooster Clerk of Council in accordance with RC 709.033.

The vote is as follows: Ron Amstutz yea      Rebecca S. Foster yea      Sue A. Smail 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



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

July 8, 2022

Dear Vince Marion,

At the July 7, 2022 meeting of the City of Wooster Planning Commission, a motion was made to approve application PC-22-16, Recommendation to establish R-4 zoning on parcels 53-01312.000 and 53-01518.000 and R-2 zoning on parcels 53-01918.002, 53-01859.007, 53-01918.000, 53-01918.001, 53-01919.000, 53-01859.008, 53-00030.000, 53-01859.005, 53-00030.001, 53-01859.006, and 53-01859.004 for a total of 75.217 acres of land being annexed into the City of Wooster at the intersection of Milltown Road and Oak Hill Road., as presented. The motion received the necessary votes of the Planning Commission and the application was approved.

The terms and duration of approval, have been included with this letter. 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 [vmarion@woosteroh.com](mailto:vmarion@woosteroh.com) if you have any questions or need any further information.

Sincerely,

A handwritten signature in black ink that reads "Vince A. Marion". The signature is fluid and cursive, with a long, sweeping underline.

Vince Marion  
Planning and Zoning Manager

**1105.07(d)(3)(I) PRELIMINARY DEVELOPMENT PLAN TIME LIMIT.**

The applicant shall be required to submit a complete final development plan application within 12 months after the date of approval of the preliminary development plan, otherwise the preliminary development plan approval shall be considered void unless an extension is requested by the applicant and granted by the Planning Commission in writing. If the preliminary development plan is voided, any new request to for development approval shall require a new preliminary development plan application in accordance with the provisions of this section.

**1105.07(g) FINAL DEVELOPMENT PLAN TIME LIMIT.**

(1) The applicant shall receive approval of a zoning certificate within one year of the date the final development plan was approved and comply with the time limits of the approved zoning certificate or the approval shall expire.

(2) Upon expiration of a development plan approval, a new application, including all applicable fees, shall be required before a new development plan will be reviewed.



(3) Upon written request, one extension of six months may be granted by the Zoning Administrator if the applicant can show good cause for a delay.

(4) The Planning Commission may authorize alternative time limits for zoning certificate issuance, as part of their approval, based on the scale of the proposed development.

**1105.04(I) CONDITIONAL USE TIME LIMIT.**

(1) A conditional use approval shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than one year.

(2) The applicant shall receive approval of a zoning certificate within one year of the date the conditional use was approved and comply with the time limits of the approved zoning certificate or the approval shall expire.

(3) Upon expiration of a conditional use approval, a new application, including all applicable fees, shall be required before a conditional use application will be reviewed.

(4) Upon written request, one extension of six months may be granted by the Zoning Administrator if the applicant can show good cause for a delay.

(5) As part of the conditional use approval, the Planning Commission may authorize alternative time limits for zoning certificate issuance based on the scale of the proposed development.

**1105.06(d)(3)(H.) CONCEPT PLAN TIME LIMIT.**

The applicant shall be required to submit a complete preliminary subdivision plat application within 12 months after the date of approval of the concept plan, otherwise the concept plan approval shall be considered void unless an extension is requested by the developer and granted by the Planning Commission in writing. If the concept plan is voided, any new request to subdivide the land shall require a new concept plan application in accordance with the provisions of this section.

**1105.06(d)(5)(K.) PRELIMINARY SUBDIVISION PLAT TIME LIMIT.**

The applicant shall be required to submit a complete final subdivision plat application with 12 months after the date of approval of the preliminary subdivision plat, otherwise the preliminary subdivision plat approval shall be considered void unless an extension is requested by the developer and granted by the Planning Commission in writing. If the preliminary subdivision plat is voided, any new request to subdivide the land shall require a new preliminary subdivision plat application in accordance with the provisions of this section.

**1105.06(d)(10) FINAL SUBDIVISION PLAT TIME LIMIT.**

Once the City Engineer determines the improvements are complete, determined unnecessary prior to recording, or the applicant has provided the financial guarantees required by this code, the Zoning Administrator and City Engineer shall certify or sign the final subdivision plat. After the final subdivision plat is certified, the final subdivision plat and all associated covenants and restrictions shall be recorded in the office of the Wayne County Recorder within one year of the date of signing.

ORDINANCE NO. 2022-22

AN ORDINANCE AUTHORIZING THE CITY OF  
WOOSTER TO ACCEPT A TRANSFER OF LAND FROM  
THE BOARD OF WAYNE COUNTY COMMISSIONERS

WHEREAS, the Board of Wayne County Commissioners is the owner of three parcels of undeveloped real estate currently used as road right-of-way or potential road right-of-way (approx. .882 acres) on Oak Hill Rd; and

WHEREAS, the Board desires to transfer the land to the City of Wooster as such land is within the corporate limits of the City of Wooster and is road right-of-way or potential right-of-way; and

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

SECTION 1. The transfer of real estate from the Wooster City School District is hereby accepted and approved.

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

SECTION 3. This Ordinance shall take effect and be in full force from and after the earliest date allowed by law.

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

Passed: \_\_\_\_\_, 2022

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

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

Clerk of Council

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

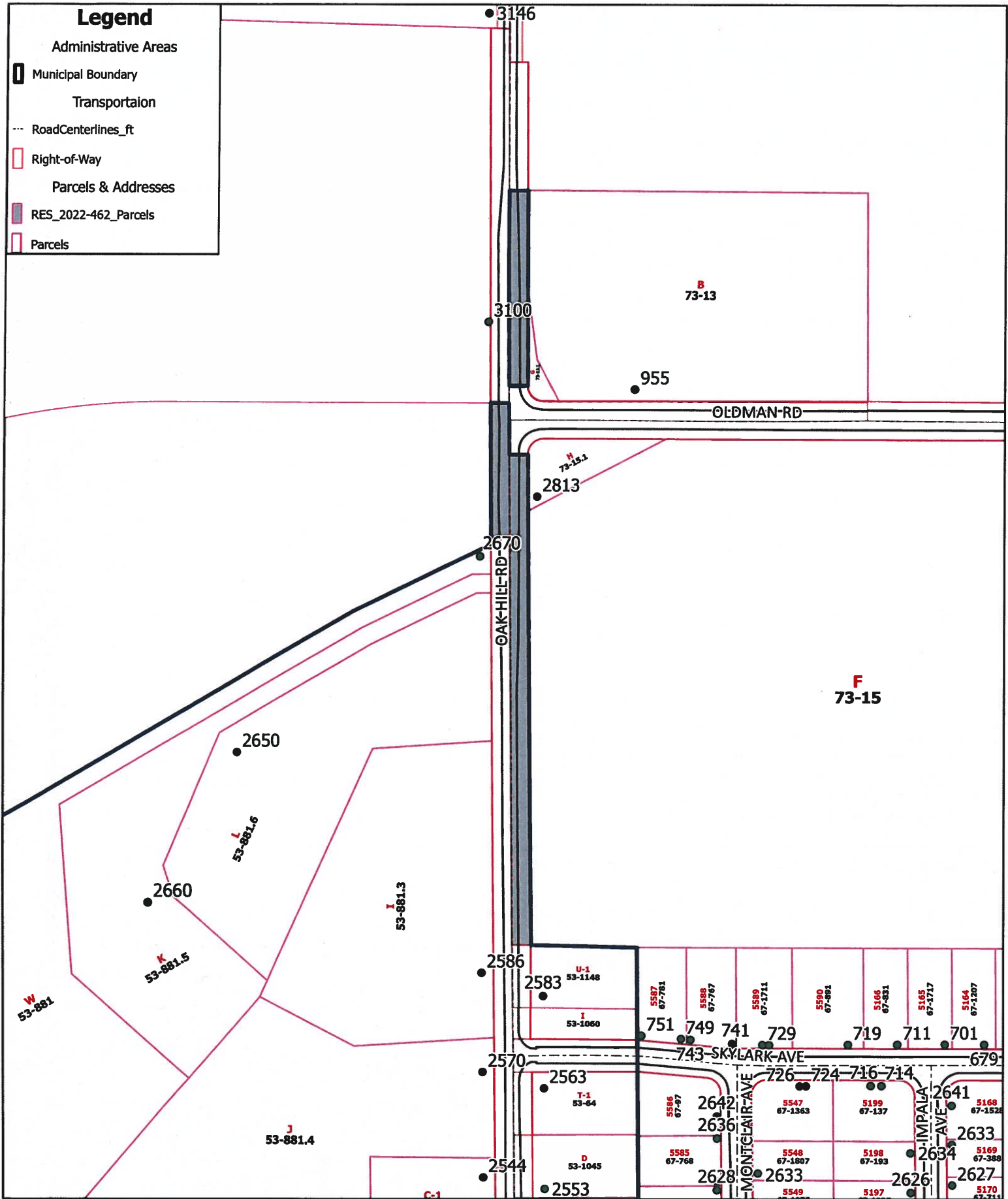
Approved: \_\_\_\_\_, 2022

\_\_\_\_\_  
Mayor

Introduced by: Barb Knapic

# Legend

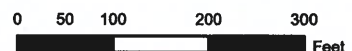
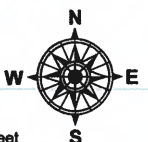
- Administrative Areas
- Municipal Boundary
- Transportation
- RoadCenterlines\_ft
- Right-of-Way
- Parcels & Addresses
- RES\_2022-462\_Parcels
- Parcels



**CITY OF WOOSTER**  
**DIVISION OF ENGINEERING**  
 538 N. MARKET ST. WOOSTER, OHIO 44691  
 PH: (330) 263-5251 FAX: (330) 263-5283  
 ROGER V. KOBILARCSIK CITY ENGINEER rkobilarsik@woosteroh.com

## GENERAL SITE PLAN

NOTES:  
 1) All Utility locations are approximate.  
 Call O.U.P.S. (800) 362-2764 for field markings.  
 2) All boundaries shown ARE NOT survey quality  
 and are for reference only.



Scale: 1" = 200 Feet

# MEMO FROM THE LAW DEPARTMENT

**TO:** City Council

**CC:** Bob Breneman, Mayor, Joel Montgomery, Director of Administration

**FROM:** Director of Law, John Scavelli

**DATE:** August 30, 2022

**RE:** Additional Parcels from Oak Hill Road Annexation

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On September 21, 2020, the City accepted the annexation of certain parcels of land on Oak Hill Road, pursuant to the successful annexation petition of the Wooster City Schools. Certain right of way parcels were not a part of the annexation on Oak Hill Road. In order to annex these remaining parcels, Wayne County has transferred them to the City of Wooster, which will expedite the annexation process. Accepting these parcels and annexing them will complete the annexation process that began in 2020. The parcels includes are listed below:

1. Parcel 53-00145.001 (runs the full length of the Western most side of directly West of Parcel 1) was left unincorporated by the City but is completely surrounded by incorporated property.
2. Parcel 53-01626.002 (runs the full length of the Western most side of directly West of Parcel 2) is currently unincorporated being partially surrounded by incorporated areas.
3. Parcel 53-01211.001 (the Western side, Northern section of the above referenced parcel) is mostly surrounded by incorporated area.

If you have any further questions, I will be happy to answer them.



# Resolution

No. 2022-462

*Board of Wayne County Commissioners*  
*Ron Amstutz    Rebecca S. Foster    Sue A. Smail*

*Adopted:* August 24, 2022

*Subject:* **Authorization of Transfer of Real Property Parcels on Oak Hill Rd. to the City of Wooster and Execution of Quit Claim Deed Transferring the Property (ORC 307.10)**

It was moved by Commissioner Foster and seconded by Commissioner Smail that the following resolution be adopted:

WHEREAS the Board of County Commissioners, Wayne County, Ohio (Board) owns real property of what is known as Oak Hill Rd. as follows:

1. Parcel 53-00145.001 (runs the full length of the Western most side of directly West of a parcel annexed by the City of Wooster in 2020 is now completely surrounded by incorporated property).
2. Parcel 53-01626.002 (runs the full length of the Western most side of directly West of a second parcel annexed by the City of Wooster in 2020 and is now partially surrounded by incorporated areas).
3. Parcel 53-01211.001 (runs along the Western side, Northern section of the second parcel annexed by the City of Wooster in 2020 and is partially surrounded by incorporated areas).

WHEREAS, the Board has determined that the above referenced parcels are no longer needed for public use and may transfer such real property to a municipal corporation by executing a deed accordingly pursuant to ORC Section 307.10(B); and

WHEREAS, the City of Wooster has expressed a willingness to accept the above referenced properties.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Wayne County, Ohio, that:

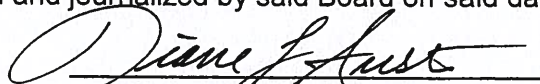
Section 1. The Board is hereby authorized to transfer and convey the above-described real property located on what is known as Oak Hill Rd., parcel numbers 53-00145.001, 53-01626.002, and 53-01211.001 to the City of Wooster.

Section 2. The Board is hereby authorized to execute the agreement referenced above in Section 1 and any and all documents related to said agreement. Additionally, the President of the Board and the County Administrator, on behalf of the Board, are separately and individually authorized to execute the agreement referenced above in Section 1 and any and all documents related to said agreement.

The vote is as follows: Ron Amstutz yea    Rebecca S. Foster yea    Sue A. Smail 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

RESOLUTION NO. 2022-27

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO AND CONTINUE A CONTRACT FOR PROPERTY AND GENERAL LIABILITY INSURANCE FOR THE MUNICIPAL GOVERNMENT AND ALLOWING FOR IMMEDIATE ENACTMENT

WHEREAS, the Director of Administration has recommended that the municipal government renew its policy of municipal property and general liability insurance with a carrier that is qualified to provide such coverage, and the cost is included in the current annual budget and will be included in the annual budgets for years which coverage is provided.

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

SECTION 1. The Director of Administration is hereby authorized to enter into a contract providing for municipal property and general liability insurance for the City, and membership in the Ohio Plan Risk Management entity pool. The City of Wooster will have access to all programs, services, and benefits including risk management, policy development, training, and legal support.

SECTION 2. The cost of the contract will not exceed the amounts budgeted for this purpose in the following funds: the General Fund, the Water Fund, and the Water Pollution Control Fund.

SECTION 3. The Director of Administration is hereby authorized and directed to execute all documents on behalf of the City of Wooster and do all other things necessary and consistent with this Resolution to effectuate its purpose.

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 the law.

SECTION 5. This Resolution is hereby declared to be 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; 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.

Introduced: \_\_\_\_\_, 2022      Passed: \_\_\_\_\_, 2022      Vote: \_\_\_\_\_

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

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

Approved: \_\_\_\_\_, 2022

\_\_\_\_\_  
Mayor

Introduced by: Bob Reynolds

## Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

<b>Division</b> Administration	<b>Meeting Date Requested</b> September 6, 2022
<b>Project Name</b> Property & Liability Insurance	<b>Estimated Total Funds/Costs</b> \$240,000 to \$250,000 per year
<b>Is Full Amount Budgeted?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>If YES, three readings NOT REQUIRED</b> Funds are available and will be budgeted in each City fund having property covered by the policy (Water, Sewer, General, etc.) for each year of coverage.	
<b>If No, How is the Purchase to be Funded?</b>	
<b>Description</b> This is a request to enter into a contract and renew the City's Property and Liability insurance under the Ohio Plan public entity pool, managed by Whitaker-Myers Insurance Agency. Contracts are typically for 3 years with renewals.  The Ohio Plan: <ul style="list-style-type: none"> <li>• Non-profit, member-driven plan with over 30 years of experience in providing public entity insurance and risk management services</li> <li>• Offers an annual credit/discount for years of membership, loss ratio and risk management practices (\$23,260 in 2021)</li> <li>• Provides no-cost Management &amp; Training programs to members, including:               <ul style="list-style-type: none"> <li>○ Leadership/Supervisory Training, Risk Management, Cyber Security, HR Compliance, Conflict Management, and Police, Fire &amp; Public Works.</li> </ul> </li> <li>• Provides a claims occurrence policy, i.e. all claims paid regardless of date of insurance, therefore no additional tail policy required for claims outside policy period.</li> </ul>	
<b>Justification / Benefits</b> The City of Wooster has been contracting with the Ohio Plan for the last 12 years, with little or no increase in premiums other than those related to increases in exposure (new buildings, equipment, etc). We also work with the Risk Management service provided with the insurance contract on a continual basis relative to City-wide building safety policy improvements, City-wide ADA compliance, operational policy reviews, and safety training.  In addition, the Ohio Plan agent, Whitaker-Myers Insurance Agency, is locally owned and operated, is extremely knowledgeable of the City organization, and has provided excellent service. The Ohio Plan is one of the largest group insurance programs in the State of Ohio, providing comprehensive liability and property coverage, as well as risk management services, to over 800 public entities. As a member of the Ohio Plan, board representation is also provided.  Please see the attached summary documents for additional information.	
<b>Will this Project affect the City's Operating Costs</b> This contract should have little effect on operating costs as we budget yearly for property and liability insurance. Risk management and policy services actually reduce costs by providing consulting and documents as part of the contract, and help reduce future claims.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> We could solicit quotes from private insurance programs or other public entity pools with "claims made" policies, but this process would take us past the end of this year, and could result in loss of coverage. In addition, the Ohio Plan has raised rates only once in the past 6 years, with no plans for other rate increases.	
<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> See above justification and benefits.	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>If Yes, Note Reasons</b> Immediate passage is not needed, but approval prior to 10/15/22 is required for continued coverage.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Joel Montgomery	<b>Date:</b> 08/14/2022
<b>Approved for Agenda</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

**City of Wooster  
Property & Liability Insurance  
2023 Renewal**

- **Renewal Proposal**

- Three-year policy
  - No more than a 3% base rate increase each year
  - Advantage Credit Increase each year
    - Based on losses, exposure changes, and longevity
    - Increased 15% in 2021, 26% in 2020, 10% in 2019
  - Primary Rate Adjustment Factors
    - Exposure Changes (coverage additions, property & equipment values)
    - Losses/Claims (Must stay within certain loss ratio guidelines)
    - No natural, man-made, or financial catastrophes or disasters that adversely affect the reinsurance market

- **Cost of Insurance Calculation**

○ Package Policy Premium	2022 x 3% (estimate) =	\$275,000
○ Ohio Plan <i>Advantage</i> Credit	2022 x 10% (estimate) =	\$ 25,600
○ Adjusted Annual Premium	=	\$249,400
○ Adjusted Insurance Cost		2.3%
▪ Average Adjusted insurance cost for 2019 – 2021/22	=	0.7%
▪ Cost could vary based on added coverages, added property and facilities, or significant changes in property, facilities, or equipment values		

- **Ohio Plan Risk Management Pool Benefits**

- Program Stability
  - Other Pool Programs
  - Conventional Carriers
- Risk Management and Resources
  - Travis Thompson
  - Lexipol Partnership (Law Enforcement and Fire)
- Claims Handling
- Coverage
- Cost Stability and Cost Savings
  - Premium History
  - Ohio *Advantage* Plan Discount
  - Lexipol Reimbursement Program
- Whitaker Myers'/Local Expertise & contact



## **Ohio Plan Risk Management Services**

- Departmental Policy Assessments
  - Maintenance and Streets
  - Parks & Recreation
  - Police
  - Fire
  - Water
  - Wastewater
  - Administration
- Departmental Updates and Reviews
  - Maintenance
    - Street inspection process & procedures
    - Pothole repair and liability
    - Vehicle & equipment inspections & documentation
    - Parks inspection documentation and signage
  - Recreation
    - Recreation program participation agreements and use agreements
    - Playground inspection plans and liability
  - Administration
    - City Hall Security policies and facilities
  - Utilities
    - Sewer back-up claim reviews
  - Police
    - Lexipol policies
    - Firing range policies
    - Use of Force policies
  - Fire
    - Lexipol policies
  - Human Resources
    - Employee Manual review
    - Safety Manual review
    - Safety Training
    - PERRP Review
- ADA risk management
  - Review City facilities
  - Recommend improvements

## 2023 City of Wooster Insurance Renewal Premium, Claims and Exposure History

<u>Year</u>	<u>Package Policy Premium</u>	<u>Claims</u>
2009	\$193,900	\$ 25,451
2010	\$198,400	\$140,407
2011	\$208,600	\$ 35,713
2012	\$175,800	\$ 35,514
2013	\$184,700	\$100,836
2014	\$197,683	\$ 53,233
2015	\$209,929	\$138,014
2016	\$213,791	\$ 39,561
2017	\$231,800	\$ 39,022
2018	\$234,800	\$ 8,109
2019	\$238,251	\$ 11,498
2020	\$241,114	\$ 16,411
2021/22	\$243,803	\$ 500 (to date)

### Recent Exposure & Coverage Changes

2018 Annual Premium \$234,800

**Exposure Changes**

Property Values increased \$4,148,021

Auto units increased by 4

Auto Values increased by \$134,282

Replacement Cost of Fire Trucks increased by \$906,617

Scheduled Equipment decreased by \$460,964

EDP values increased by \$17,900

Ratable Expenditures increased by \$158,265

Advantage Plan Credit (\$14,549)

Composite Insurance rate was Flat – 0% increase

*(combination of exposure changes, credit, and rate adjustments)*

2019 Annual Premium \$238,251

**Exposure Changes**

Property Values increased \$1,726,014

Auto units increased by 3

Auto Values increased by \$122,474

Replacement Cost of Autos increased by \$397,500

Scheduled Equipment increased by \$384,308

EDP values increased by \$20,590

Ratable Expenditures increased by \$182,081

Advantage Plan Credit (\$15,983)

Composite Insurance rate increased by 0.8%

2020 Annual Premium \$241,114

**Exposure Changes**

Property Values Increased \$2,037,212

Auto Units increased by 1

Auto Values decreased by \$326,719

Replacement Cost on Fire Trucks increased by \$416,100  
Scheduled Equipment increased by \$1,487,596  
EDP values increased by \$24,636  
Ratable Expenditures increased by \$1,196,869  
Malicious Acts Coverage added  
Advantage Plan Credit (\$20,090)

Composite Insurance rate increased by 1%

2021/2022 Annual Premium \$243,803

Exposure Changes

Property Values increased \$2,683,155  
Auto Units decreased by 1  
Auto Values increased by \$29,074  
Replacement cost on Autos decreased by \$29,040  
Scheduled Equipment increased by \$22,222  
Coverage added for Drone  
Advantage Plan Credit (\$23,260)

Composite Insurance rate increased by 0.4%

RESOLUTION NO. 2022-28

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 6th of September, 2022, at the office of the Wooster City Council Chambers with the following members present:

BARB KNAPIC  
MARK CAVIN  
JENNIFER WARDEN  
SCOTT MYERS  
CRAIG SANDERS  
JON ANSEL  
BOB REYNOLDS

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, 2023; 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:



<b>SCHEDULE A</b>				
<b>SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES</b>				
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
<b>GENERAL</b>		2,347,200	5.20	
<b>FIREMAN'S FUND</b>		198,900	0.30	
<b>POLICE PENSION</b>		198,900	0.30	
<b>TOTAL</b>		2,745,000	5.80	0.0
<b>SCHEDULE B</b>				
<b>LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES</b>				
FUND		Maximum Rate Authorized to Be Levied	County Auditor's Estimate of Yield of Levy Carry to Schedule A Column II	
<b>GENERAL FUND</b>				
			0.0	

WOOSTER



City of Wooster, Ohio  
 Summary of Amounts Required from General Property Tax Approved by Budget Commission, and County Auditor's Estimated Tax Rates

Fund/Source	2013		2014		2015		2016		2017		2018	
	Est. Revenue	Millage	Est. Revenue	Millage	Est. Revenue	Millage	Est. Revenue	Millage	Est. Revenue	Millage	Est. Revenue	Millage
General Fund/Property Tax	\$ 1,797,700	3.9	\$ 1,817,800	3.9	\$ 1,837,200	3.9	\$ 1,826,600	5.2	\$ 1,840,000	5.2	\$ 1,838,200	5.2
Fire Pension Fund/Property Tax	\$ 150,200	0.3	\$ 151,900	0.3	\$ 153,500	0.3	\$ 152,500	0.3	\$ 153,900	0.3	\$ 153,900	0.3
Police Pension Fund/Property Tax	\$ 150,200	0.3	\$ 151,900	0.3	\$ 153,500	0.3	\$ 152,500	0.3	\$ 153,900	0.3	\$ 153,900	0.3
<b>Total</b>	\$ 2,098,100	4.5	\$ 2,121,600	4.5	\$ 2,144,200	4.5	\$ 2,131,600	5.8	\$ 2,147,800	5.8	\$ 2,146,000	5.8

Fund/Source	2019		2020		2021		2022		2023	
	Est. Revenue	Millage	Est. Revenue	Millage	Est. Revenue	Millage	Est. Revenue	Millage	Est. Revenue	Millage
General Fund/Property Tax	\$ 1,935,700	5.2	\$ 2,001,700	5.2	\$ 2,001,200	5.2	\$ 2,311,700	5.2	\$ 2,347,200	5.2
Fire Pension Fund/Property Tax	\$ 161,900	0.3	\$ 168,900	0.3	\$ 169,400	0.3	\$ 195,400	0.3	\$ 198,900	0.3
Police Pension Fund/Property Tax	\$ 161,900	0.3	\$ 168,900	0.3	\$ 169,400	0.3	\$ 195,400	0.3	\$ 198,900	0.3
<b>Total</b>	\$ 2,259,500	5.8	\$ 2,339,500	5.8	\$ 2,340,000	5.8	\$ 2,702,500	5.8	\$ 2,745,000	5.8

Percent total increase 15.5%  
 Dollar total increase \$ 362,500  
 Increase over PY \$ 310,500  
 GF \$ 26,000  
 FPF \$ 26,000  
 PPF \$ 26,000

Percent total increase 1.6%  
 Dollar total increase \$ 42,500  
 Increase over PY \$ 35,500  
 GF \$ 3,500  
 FPF \$ 3,500  
 PPF \$ 3,500





### Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

<b>Division</b> Development	<b>Meeting Date Requested</b> September 6, 2022
<b>Project Name</b> TIRC Recommendations - EZ	<b>Estimated Total Funds/Costs</b> \$0.00
<b>Is Full Amount Budgeted?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, three readings NOT REQUIRED	
<b>If No, How is the Purchase to be Funded?</b> <p style="text-align: center;">N/A - Non-Capital</p>	
<b>Description of Request</b> <p>The 2019 City of Wooster's Tax Incentive Review Council (TIRC) convened on 8/22/2022 at 12:00pm to review the performance of each active Enterprise Zone (EZ) agreement as of 12/31/2021. The TIRC meets annually per ORC 5709.85 to recommend Continuation, Modification, or Termination of commercial tax-exemption agreements to Wooster City Council. Wooster City Council is required to "vote to accept, reject, or modify all or any portion of the recommendations" within 60 days. These recommendations will then inform the City's State report for 2022 (due by 3/31/2023).</p> <p>The TIRC reviewed 21 active EZ agreements, recommending modifications for #389-06-01, #389-06-04, #389-07-01, and #389-20-01, and mutual termination for #389-04-01, #389-06-03 and #389-08-01. The TIRC recommended the continuation of all other agreements.</p> <p>This legislation allows the City to remain compliant with State law governing the EZ program. The City of Wooster is just one of 66 cities in the State of Ohio to offer the Enterprise Zone Program. The program is reserved for BASIC-SECTOR, or "exporting" businesses, with certain exceptions.</p>	
<b>Justification / Benefits</b> Legislation allows the City to remain compliant with state and local laws as required to operate its EZ Program. The program has resulted in \$290 MM in real estate investments across 22 projects. Among active projects, \$674,740 in new real estate taxes were forgiven in 2021 versus \$2,658,052 collected. The program allows the City to address market failures to enable basic sector	
<b>Will this Project affect the City's Operating Costs</b> Not directly. Action is necessary to continue the EZ program, which has increased City revenues annually.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> Council may accept, reject, or modify all or any part of the recommendations, and make a determination for continuance, modification, or termination of any affected agreement(s).	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons <p style="text-align: center;">Passage before 9/30/2022 is advised, but no later than 60-days after TIRC vote.</p>	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Jonathan Millea	<b>Date:</b> August 22, 2022

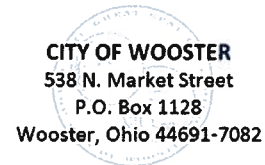
Approved for Agenda  Yes  No



Robert F. Breneman, Mayor

**Tax Incentive Review Council**  
*Reviewing Agreements Through 12/31/2021*

**MINUTES (DRAFT)**  
**12:00 PM August 22, 2022**  
**538 N. Market Street**  
**Wooster, Ohio 44691**



The meeting was held in City Council Chambers at City Hall, 538 N. Market Street, Wooster OH.

***In Attendance:*** Members of the Tax Incentive Review Council present were: Brian Madigan, Michael Buytendyk, Jarra Underwood, Adam Briggs, Alica Holford, Bob Breneman, Andrei Dordea, and Andrew Cerniglia. Others in Attendance: Jonathan Millea (technical support staff to the TIRC), and Lynne DePaulo. Mr. Millea noted there was a quorum present with eight members in attendance.

***Background:*** Having worked to offer such incentives as the Enterprise Zone and Community Reinvestment Area tax abatement programs, the City of Wooster's Tax Incentive Review Council (TIRC) convenes annually to review each active agreement, examining factors such as property maintenance, tax compliance, job creation/retention, payroll creation/retention, and level of investment. Based on each participating firm's compliance with respective tax incentive agreements, the TIRC recommends to Wooster City Council the continuation, modification, or termination of agreements on an individual basis. Such review is required by Ohio Revised Code 5709.85 for any community offering certain real estate tax abatement.

The Community Reinvestment Area (CRA) program provides property owners making investments in rehabilitating existing buildings or building anew, within the designated CRA, tax abatement on the improved value of the real estate, typically ranging from a negotiated 50 to 100 percent and ten to 12 years. Commercial CRA projects must commit to two full-time jobs and an investment of \$50,000 or \$100,000. The Commercial CRA is among the few incentives available in the State of Ohio to secondary employers (businesses that produce goods and/or services for the local community). Owners of single-family and duplexes must invest at least \$2,500. Similarly, the Enterprise Zone (EZ) program offers developers investing over \$100,000 and committing to at least ten full-time jobs up to a 75 percent, 10-year abatement. Unlike the CRA, EZ incentives are available city-wide, but are restricted to primary employers (businesses that produce goods and/or services for customers that are predominantly outside the community).

## **1. INTRODUCTION**

The meeting began shortly after 12:00 p.m. Mr. Millea noted there was a quorum and welcomed the committee.

### **A. Purpose and Recommendations**

Mr. Millea explained that the TIRC reviewed all tax exemptions granted by the City, including the CRA, EZ, and also Tax Incremental Financing Districts. He said that the purpose of the review was to provide a recommendation for each agreement for either continuation, modification, or termination, and such recommendations would be forwarded to Wooster City Council for its consideration, being able to accept, modify, or reject the recommendations. He explained that the determinations made would inform how the City's reporting to the State of Ohio in March of 2023.

### **B. 2021 Trends and Needs**

Mr. Millea noted that overall incremental gains were made in terms of employment and payroll the previous year as businesses continued to climb out of the pandemic. He explained that a lot of requests for modifications to ensure that projects were meeting employment requirements per ORC 5709.633 and to ensure compliance with ORC 3735.65 and ORC 5709.61, which concern relocation, and additionally transfer of ownership. In general, projects are reviewed to see if they were constructed per scope, whether employment was within 75% of commitments, whether the partner business and owner current on their real estate taxes, and are project site participants properly listed in the agreement. He explained that CRA state law requires a minimum of two jobs to be established, while local EZ law requires a minimum of 10 jobs, and that local law required a minimum of two years of substantial performance for each year of exemption granted (a requirements applicable into all EZ agreements and newer CRA agreements).

## **2. APPROVAL OF PREVIOUS NOVEMBER 29, 2021 TIRC MINUTES**

Mr. Millea asked if there were was a motion to either make any corrections, additions, or a move for approval. Mr. Breneman motioned to approve the minutes as submitted from the November 29, 2021 minutes, seconded by Mr. Briggs. Upon voice vote the motion passed.

## **3. ENTERPRISE ZONE AGREEMENTS**

### **C. Retired Projects**

#### **1. EZ Agreement 389-12-01 ABS Materials.**

Mr. Millea noted for reference that this agreement was retired, having been mutually terminated as per the previous TIRC recommendation, noting that the structure was now being used to support multiple businesses with the space having been revived.

### **D. Post-Abatement Projects**

Mr. Millea noted that post-abatement properties were no longer receiving an exemption, but remained committed to maintain substantial performance.

#### **1. EZ Agreement 389-05-01 United Titanium Inc.**

Mr. Millea stated that the project was in full compliance. Mr. Dordea made a motion, seconded by Ms. Underwood to recommend continuance of the abatement.

Upon voice vote the motion passed.

#### **2. EZ Agreement 389-06-03 Westerman Inc.**

Mr. Millea offered a staff recommendation for mutual termination as Westerman Inc. had repaid all of its forgone tax dollars and no longer owned the building. Termination would allow the project file to be closed. He noted that the new owner, a door manufacturer, was inventing new products at the site. Ms. Underwood made a motion, seconded by Mr. Buytendyk to recommend mutual termination.

Upon voice vote the motion passed.

#### **3. EZ Agreement 389-04-01 Technigraphics Inc. et al**

Mr. Millea explained that the project had had repaid its foregone tax revenues and now the facility was serving a nonprofit, and with no further obligations, staff suggested a mutual termination. Mr. Dordea made a motion, seconded by Ms. Holford to recommend mutual termination.

Upon voice vote the motion passed.

#### **4. EZ Agreement 389-08-01 Technigraphics Inc. et al**

Mr. Millea explained that the facility, while under ownership of the original owner, had no further obligations and was presently for sale. Mr. Dordea made a motion, seconded by Ms. Holford to recommend mutual termination. Mr. Briggs abstained. Upon voice vote the motion passed.

#### **5. EZ Agreement 389-06-01 Eldorado Stone LLC & Chesterland Estates**

Mr. Millea explained that this project had been amended to support operations affiliated with Chesterland Productions, COMPAK Inc, which had recently gone through a de-merger. A new logistics firm, COMPAK LLC, with largely former COMPAK Inc staff as the former, was now headquartered at the building and substantially continuing the same operations that had always taken place at the site. As COMPAK LLC is legally a separate company, a recommendation to accept COMPAK LLC as a tenant allowing Chesterland Estates PLL credit for associated jobs would allow the agreement to maintain compliance with the City's two years of performance for each year of exemption requirement through 2026. Mr. Dordea made a motion, seconded by Mr. Breneman to recommend modification to accept COMPAK LLC as a tenant, with no changes to terms. Upon voice vote the motion passed.

#### **6. EZ Agreement 389-06-04 COMPAK INC.**

Mr. Millea explained that the situation at this project site was nearly identical to the previous situation

[Eldorado Stone LLC & Chesterland Estates PLL], with a new company, COMPAK LLC, operating at the site instead of COMPAK Inc. Mr. Breneman made a motion, seconded by Ms. Underwood to recommend modification to permit COMPAK LLC credit for employment with no change to terms. Upon voice-vote, the motion passed.

7. EZ Agreement 389-07-01 Bosch Rexroth Corporation and Chesterland Estates

Mr. Millea said that this 55,000 square foot facility was constructed for an engineering firm. The engineering company still maintains employment in the City, but at a different location in Downtown with changes in the levels of employment. He noted that the facility itself was still supporting basic-sector engineering employment, with the same space supporting Schaeffler.

Mr. Buytendyk made a motion, seconded by Mr. Briggs to recommend modification to affirm new location for Bosch Rexroth Corporation with full-time job commitments. Upon voice-vote, the motion passed.

**E. Active Enterprise Zone Projects**

Mr. Millea noted that this section covered EZ projects actively eligible exemption. (Each agreement was voted on individually in order to provide an opportunity for any committee members to abstain from voting if necessary.)

1. EZ Agreement 389-12-01: Seaman Corporation

Mr. Dordea made a motion, seconded by Ms. Holford to recommend continuance of the abatement.

Upon voice vote the motion passed.

2. EZ Agreement 389-13-02: McConnell Wooster Properties dba Bauer Corporation

Mr. Millea noted a missed target but that the firm was within the 75% employment range.

Ms. Underwood made a motion, seconded by Mr. Breneman to recommend continuance of the abatement.

Upon voice vote the motion passed.

3. EZ Agreement 389-14-01: Daisy Brand LLC

Mr. Millea noted that the water plant was fully exempt under another program and had not realized an exemption. Mr. Briggs made a motion, seconded by Mr. Dordea to recommend continuance of the abatement.

Upon voice vote the motion passed.

4. EZ AGREEMENT 115C-14-01: Daisy Brand LLC

Mr. Millea noted that this project had previously been reviewed by the Wayne County TIRC, which included representation from Green Local Schools. The project continued to show ongoing investment. With Wooster City Schools, Brian Madigan abstained. Mr. Dordea made a motion, seconded by Mr. Breneman to recommend continuance of the abatement.

Upon voice vote the motion passed.

5. EZ AGREEMENT 115C-17-01: Daisy Brand LLC

Mr. Millea noted a minor missed targets on jobs while exceeding payroll commitments. He noted at the time of the Wayne County TIRC, the company had exceeded its employment commitments.

Wooster City Schools, Brian Madigan abstained. Mr. Dordea made a motion, seconded by Mr. Briggs to recommend continuance of the abatement.

Upon voice vote the motion passed.

6. EZ Agreement 389-13-01: LUK USA LLC

Mr. Millea noted that the next three agreements concerned Luk USA, and explained that the City of Wooster shared its income tax revenues with the Wooster City School District to compensate it for its forgone tax revenues.

Mr. Buytendyk made a motion, seconded by Mr. Breneman to recommend continuance of the abatement.

Upon voice vote the motion passed.



7. EZ Agreement 389-15-01: LUK USA LLC

Mr. Millea noted a missed targets on jobs occurring at a time when unemployment was its lowest on records. The company had exceeded its payroll requirements and was within 75% of its total job commitment.

Mr. Dordea made a motion, seconded by Ms. Underwood to recommend continuance of the abatement. Upon voice vote the motion passed.

8. EZ Agreement 389-16-01: LUK USA LLC

Mr. Millea explained that this agreement was still within the 75% employment threshold and noted that investment into the facility continued. He also noted again the 2.6% unemployment rate and that the company had 141 open job positions posted.

Mr. Dordea made a motion, seconded by Mr. Briggs to recommend continuance of the abatement. Upon voice vote the motion passed.

9. EZ Agreement 389-15-03: Wooster Growth Corporation / Tekfor USA

Mr. Millea noted that this company had a missed target but was moving back into the acceptable [75% employment range]. He explained that TEKFOR USA was recently purchased by the American Axle Company and that the firm was continuing to explore new investment.

Mr. Breneman made a motion, seconded by Mr. Buytendyk to recommend continuance of the abatement. Upon voice vote the motion passed.

10. EZ Agreement 389-14-02: Certified Angus Beef LLC

Mr. Dordea made a motion, seconded by Mr. Briggs to recommend continuance of the abatement. Upon voice vote the motion passed.

11. EZ Agreement 115C-17-01: Certified Angus Beef LLC

Mr. Millea noted that this project was located in the Wayne County Enterprise Zone, and explained that the site was now fully functional.

Mr. Buytendyk made a motion, seconded by Mr. Breneman to recommend continuance of the abatement. Upon voice vote the motion passed.

12. EZ Agreement 389-18-01: Baker Properties Mt. Vernon and COMPAK Inc.

Mr. Millea noted that the TIRC previously recommended a modification to accommodate a new tenant, and while not yet resolved, the situation was moving toward resolution. He noted that COMPAK LLC was additionally a tenant. Mr. Dordea made a motion, noting that one of the companies was on a top business list [Inc. 5000 for 3-year sales growth]. This motion was seconded by Ms. Underwood, to recommend modification to authorize tenant(s) and to affirm a 2-year commitment for each year of exemption on 49 jobs or equivalent.

Upon voice vote the motion passed.

13. EZ Agreement 389-20-01: KV Management LLC and Krupp Moving and Storage LLC

Mr. Millea noted that this project was performing well.

Mr. Buytendyk made a motion, seconded by Mr. Breneman to continue the abatement. Upon voice vote the motion passed.

14. EZ Agreement 389-21-01: E-PAK Manufacturing LLC & Pittsburgh Avenue Properties LLC

Mr. Millea noted that this report was reported as blank as the site was under construction and not receiving an exemption.

Mr. Breneman made a motion, seconded by Mr. Briggs, to recommend continuance of the abatement. Upon voice vote the motion passed.

**Enterprise Zone Program Overview Report**

Mr. Millea provided an overview of the Enterprise Zone. He noted the \$2.6 MM of realized revenues

generated as a result of the Enterprise Zone program.

#### **4. COMMUNITY REINVESTMENT AREA AGREEMENTS**

##### **G. Retired Projects (Reference Only)**

Mr. Millea referenced previously active CRA projects, which were largely focused on rehabilitating older buildings and did not include provisions for two years of performance for each year of exemption. These included:

- 1) Agreement 05-001 - Wooster Republican Printing Co.
- 2) Agreement 06-001 - Michael R. Rose
- 3) Agreement 06-002 - Liberty Market Properties LLC
- 4) Agreement 06-003 - HAYNN Construction Inc.
- 5) Agreement 06-004 - Coyote Group LLC
- 6) Agreement 06-005 - Gold Star Holdings, LLC
- 7) Agreement 07-001 - 544 LLC
- 8) Agreement 07-002 - CCCM Real Estate LLC
- 9) Agreement 07-004 - Gold Star Holdings LLC
- 10) Agreement 07-003 - Coyote Group LLC
- 11) Agreement 07-004 - Liberty Market Properties
- 12) Agreement 07-005 - S Properties LLC
- 13) Agreement 07-006 - MRR Properties
- 14) Agreement 12-001 - Brasfond USA Corp.
- 15) Agreement 12-002 - Just Basic Sports, Inc. & Retail Rentals LLC

##### **H. ACTIVE AGREEMENTS**

###### **1. CRA Agreement 10-001: St. Paul hotel properties (COYOTE GROUP LLC)**

Mr. Millea noted that this project continues to perform quite well.

Mr. Dordea made a motion, seconded by Ms. Underwood, to recommend continuance of the abatement. Mr. Briggs abstained. Upon voice vote the motion passed.

###### **2. CRA Agreement 10-002: Ed Howman (Merchants Block LLC)**

Mr. Millea explained that residential condominiums had transferred to new owners, as contemplated in the original agreement, but that official written permission was now required to effect this.

Mr. Buytendyk made a motion, seconded by Mr. Briggs, to recommend modification to permit CRA privileges to residential units. Upon voice vote the motion passed.

###### **3. CRA Agreement 11-001: CM Properties - Wooster LLC**

Mr. Millea noted that the City had a signed proposal from the company per the previous TIRC recommendations. While the proposal was pending Wooster City Council's review on September 6, 2022, as the situation was not yet resolved, staff suggested that a repeat of the previous recommendation, with any modifications of changes desired by the TIRC.

Mr. Breneman made a motion, seconded by Ms. Underwood, to recommend modification of job commitments to five full-time equivalent jobs and annual payroll commitments to \$141,000.

Upon voice vote the motion passed.

###### **4. CRA Agreement 12-003: S&D Realty**

Mr. Millea noted that this agreement was fully compliant through 2021. Mr. Briggs made a motion, seconded by Mr. Dordea, to recommend continuance of the abatement.

Upon voice vote the motion passed.

5. CRA Agreement 12-004: TAJ Investments Ltd (G&G Properties of Ohio)

Mr. Dordea made a motion, seconded by Mr. Briggs to recommend continuance of the abatement.

Upon voice vote the motion passed.

6. CRA Agreement 13-001: Condor Pacific Properties dba Gomaplast Machinery

Mr. Buytendyk made a motion, seconded by Ms. Underwood to recommend continuance of the abatement.

Upon voice vote the motion passed.

7. CRA Agreement 13-002: Palm House Apartments II, LLC

Mr. Millea said that this agreement was fully compliant in 2021. Mr. Dordea made a motion, seconded by Mr. Breneman, to recommend continuance of the abatement. Upon voice vote the motion passed.

8. CRA Agreement 13-003: Xcess Limited LLC

Mr. Millea noted that this project was fully compliant, but that the business owner was requesting a mutual termination to relieve it of its annual reporting obligations. Mr. Millea noted that the project had not received any foregone tax benefit.

Mr. Dordea made a motion, seconded by Mr. Buytendyk, to recommend mutual termination of agreement. Wooster City Schools, Brian Madigan abstained.

Upon voice vote the motion passed.

9. CRA Agreement 14-001: ATO LLC

(Formerly Walnut North Investment Properties LLC / C&C Wellert Properties LLC)

Mr. Millea explained that the owner established a new limited liability company to hold the real estate separate from the entity conducting employment. As such, a joinder was needed.

Mr. Breneman abstained. Mr. Buytendyk made a motion, seconded by Ms. Underwood, to recommend modification of agreement to join Purple Martin Picts LLC to agreement.

Upon voice vote the motion passed.

10. CRA Agreement 14-002: Ekho Kole LLC

Mr. Millea explained that this building had once been halfway abandoned. He said similar to Merchants Block, residential condominiums, as always contemplated in the agreement, had transferred, and that the commercial condominiums had also transferred ownership.

Mr. Briggs made a motion, seconded by Mr. Breneman to recommend modification to allow ongoing assignment of CRA privileges to residential units and a joinder of Graham Holdings LLC to agreement with authorization for tenants being Weaver Custom Homes Inc. and Fingerprint Homes LLC.

Upon voice vote the motion passed.

11. CRA Agreement 14-003: Wootown Properties LLC

Mr. Millea described that a new tenant was in the facility and performance had recovered.

Mr. Dordea made a motion, seconded by Ms. Holford, to recommend modification to authorize new tenant.

Upon voice vote the motion passed.

12. CRA Agreement 15-001: Liberty Street Partners Ltd

Mr. Dordea made a motion, seconded by Mr. Breneman, to recommend continuance of the abatement.

Upon voice vote the motion passed.

13. CRA Agreement 15-002: Morrison Enterprises LLC

Mr. Buytendyk made a motion, seconded by Mr. Dordea to recommend continuance of the abatement.

Upon voice vote the motion passed.

14. CRA Agreement 16-001: The Memmer Homes Group LLC and Gilcrest Senior Wellness and Fitness Center Inc.

Mr. Millea said that this project met its requirements in the past year.

Mr. Breneman made a motion, seconded by Ms. Holford to recommend continuance of the abatement.

Upon voice vote the motion passed.

15. CRA Agreement 16-002: North Pole Holdings LLC

Mr. Millea noted that the project had exceeded its goals and investment targets, but that a modification was appropriate for Westfield Bank as a tenant.

Mr. Dordea made a motion, seconded by Mr. Breneman, to recommend modification to authorize Westfield Bank as tenant with credit for job creation. Mr. Briggs abstained.

Upon voice vote the motion passed.

16. CRA Agreement 16-003: Brian Polen, Tammy Polen

Mr. Millea noted that the missed target was minimal as the firm recovered later in the year. Mr. Breneman made a motion, seconded by Mr. Buytendyk, to recommend continuance of the abatement.

Upon voice vote the motion passed.

17. CRA Agreement 16-004: Wooster Fit Holdings LLC

Mr. Millea noted that the project exceeded its commitments.

Mr. Dordea made a motion, seconded by Mr. Breneman, to recommend continuance of the abatement.

Upon voice vote the motion passed.

18. CRA Agreement 17-001: Ialexo

Mr. Millea noted that the project exceeded its commitments. He explained that the project site had at one time been empty for years and valued at just \$75,000.

Mr. Dordea made a motion, seconded by Mr. Briggs to recommend continuance of the abatement.

Upon voice vote the motion passed.

19. CRA Agreement 19-002: Coyote Group LLC

Mr. Millea said that this project was very challenging with the building being just 15 feet wide. Mr. Millea explained that the project was in full compliance with the terms of its agreement, however, the owner was now seeking to sell the building and the upcoming owner did not want to be obliged to the annual reporting requirements, and a mutual termination was being requested.

Mr. Dordea made a motion, seconded by Mr. Buytendyk to recommend mutual termination of the abatement.

Upon voice vote the motion passed.

20. CRA Agreement 19-001: Wooster Lofts LLC

Mr. Millea noted that this project brought on 54 new housing units and the CRA enabled it to achieve scoring to secure a federal tax credit. The tax credit allows private development to serve in lieu of public housing, but unlike public housing, the development pays annual property tax. The apartments filled out more rapidly than expected.

Mr. Breneman made a motion, seconded by Ms. Underwood to recommend continuance of the abatement. Mr. Buytendyk abstained.

Upon voice vote the motion passed.

21. CRA Agreement 20-001: Rea & Associates Inc. and Rea Real Estate LLC

Mr. Dordea motioned, seconded by Mr. Briggs to recommend continuance of the abatement. Ms. Underwood abstained.

Upon voice-vote, the motion passed.

22. CRA Agreement 21-003: Wolf Creek Land & Cattle Co. LLC & D. Freeman Corp.

Mr. Millea noted that in recent years that the CRA program was supporting basic-sector employment. This project, under construction, supported a firm performing basic-sector engineering.

Mr. Dordea made a motion, seconded by Mr. Madigan to recommend continuance of the abatement.  
Upon voice vote the motion passed.

23. CRA Agreement 21-000: Centerra Co-op

Mr. Millea noted that this project reinvested in a floodplain and was now open.

Mr. Dordea made a motion, seconded by Mr. Breneman to recommend continuance of the abatement.  
Upon voice vote the motion passed.

24. CRA Agreement 21-001: Liberty Beall Ltd & Mariola Italian LLC

Mr. Dordea made a motion, seconded by Mr. Breneman to recommend continuance of the abatement. Mr. Briggs abstained.

Upon voice vote the motion passed.

25. CRA Agreement 21-002: The Wooster Brush Company

Mr. Millea noted that the project secured the expansion of the City's oldest operating business.

Mr. Dordea made a motion, seconded by Mr. Briggs to recommend continuance of the abatement.  
Upon voice vote the motion passed.

I. Comments on CRA overview

Mr. Millea shared statistics on the 2021 CRA totals.

5. CONCLUDING REMARKS

Mr. Millea asked for any questions or comments.

Mr. Buytendyk said that if anyone doubts the effectiveness of abatement that they should look at Wooster's numbers.

Mr. Millea added that the real estate investment could have gone to other communities.

6. ADJOURNMENT

Mr. Buytendyk motioned to adjourn, seconded by Mayor Breneman.

Upon voice vote, the motion passed.

The meeting concluded at 1:00 p.m.

Respectfully Submitted:

\_\_\_\_\_  
Jonathan Millea, AICP  
Development Coordinator /  
Recording Secretary





### Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

<b>Division</b> Development	<b>Meeting Date Requested</b> September 6, 2022
<b>Project Name</b> TIRC Recommendations - CRA	<b>Estimated Total Funds/Costs</b> \$0.00
<b>Is Full Amount Budgeted?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, three readings NOT REQUIRED	
<b>If No, How is the Purchase to be Funded?</b> <p style="text-align: center;">N/A - Non-Capital</p>	
<b>Description of Request</b> The City of Wooster's Tax Incentive Review Council (TIRC) convened on 8/22/2022 at 12:00pm to review the performance of each active Community Reinvestment Area (CRA) agreement as of 12/31/2021. The TIRC meets annually per ORC 5709.85 to recommend Continuation, Modification, or Termination of commercial tax-exemption agreements to Wooster City Council. Wooster City Council is required to "vote to accept, reject, or modify all or any portion of the recommendations" within 60 days. These recommendations will then inform the City's State report for 2022 (due by 3/31/2023). The TIRC reviewed 25 active CRA agreements, recommending modifications for #10-002, #11-001, 14-001, #14-002, #14-003, #16-002, and mutual termination for #13-003 and #19-002. Each of these listed agreements will require separate legislative action at a later date. All others are continued. This legislation allows the City to remain compliant with State law governing the CRA program. The intention of the CRA is to promote reinvestment of real estate within investment-challenged areas and promote basic-sector job creation that would not otherwise be possible in the City.	
<b>Justification / Benefits</b> Action on this item allows the City of Wooster to remain compliant with State and local law. The CRA program is credited with 39 projects (14 post-exemption projects) which have secured \$43MM in property investment while securing 218 jobs, versus 207 committed, with approximately \$45MM in payroll covered. The program allows the City to address market failures to enable BASIC-SECTOR job creation and support redevelopment.	
<b>Will this Project affect the City's Operating Costs</b> Not directly. Action is necessary to continue the CRA program, which has increased City revenues annually.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> Council may accept, reject, or modify all or any part of the recommendations, and make a determination for continuance, modification, or termination of any affected agreement(s).	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons <p style="text-align: center;">Passage before 9/30/2022 is advised, but no later than 60-days after TIRC vote.</p>	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Jonathan Millea	<b>Date:</b> August 22, 2022

Approved for Agenda  Yes  No

RESOLUTION NO. 2022-31

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER A  
MUTUAL TERMINATION AGREEMENT WITH XCESS LIMITED  
FOR CRA INCENTIVES PERMITTED THROUGH ORDINANCE  
NO. 2013-40, FOR IMMEDIATE ENACTMENT

WHEREAS, this City Council, in Ordinance No. 2013-40, authorized the Mayor to enter into an agreement with Xcess Limited for Community Reinvestment Area (CRA) Tax Incentives, including a capital investment of up to \$200,000.00 for rehabilitation of existing warehouse facilities with the creation of at least 15 full-time jobs; and

WHEREAS, Xcess Limited made the improvements as promised and continues to maintain daily operations at the site and has been substantially compliant in maintaining its employment at the site; and

WHEREAS, Xcess Limited has not received a tax exemption benefit from the improvements made to date, nor is exemption anticipated within the remaining three years of the exemption period, and the firm wishes to be relieved of its annual reporting obligations and now seeks a mutual termination of its agreement.

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

SECTION 1. The Mayor is authorized to enter into an agreement on behalf of the City of Wooster with Xcess Limited to mutually terminate its 2013 CRA agreement, previously authorized by Ordinance No. 2013-40, and referenced by the Ohio Department of Development as Agreement 113-003, which will cease the exemption effective January 1, 2022.

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

SECTION 3. This Resolution is hereby declared to be 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 time is of the essence in making a timely application for the funds described above; 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: \_\_\_\_\_, 2022 Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2022  
Mayor

Introduced by: Craig Sanders

#6

As.  
2022-31

### Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

<b>Division</b> Development	<b>Meeting Date Requested</b> September 6th, 2022
<b>Project Name</b> Mut. Termination of CRA 13-003	<b>Estimated Total Funds/Costs</b> \$0
<b>Is Full Amount Budgeted?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>If YES, three readings NOT REQUIRED</b>	
<b>If No, How is the Purchase to be Funded?</b> N/A - Authorization to enter into an agreement with Xcess Limited to terminate CRA 13-003.	
<b>Description of Request</b> Authorization for the Mayor to enter into a mutual termination agreement with Xcess Limited to cease its CRA Agreement (referenced as 13-003 with terms of 50% & 10-Years) previously authorized by Ordinance No. 2013-40. Xcess Limited has performed the work promised to rehabilitate its project site, 789 and 813 Industrial Boulevard in Wooster, Ohio. However, despite the new economic activity and the upgraded appearance of the site created by the project, there has not been a change in project site's valuation and no tax benefit has been realized. The firm now seeks to terminate its agreement as it wishes to be relieved of its annual reporting obligations, which require the firm to disclose employment and payroll data. The exemption period is set to expire on December 31, 2024 (commitment period is through December 31, 2034). Termination will have no impact on the community as there is no interest in forgone taxes nor are any tax savings anticipated further.	
<b>Justification / Benefits</b> Economic Development staff RECOMMENDS termination. Xcess Limited is in substantial compliance with its agreement and has received no tax savings. Though the exemption was initially necessary due to concerns about possible significant tax increases resulting from the rehabilitation, this has not materialized. Termination will relieve Xcess Limited from annual reporting obligations.	
<b>Will this Project affect the City's Operating Costs</b> No direct cost impact anticipated, would improve efficiency of tax exemption portfolio management.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> The City may determine to keep the agreement in place, but this provides no benefit to the Xcess Limited or the City's own operations.	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>If Yes, Explain The Circumstances:</b>	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>If Yes, Note Reasons</b> Suspension preferred as this request is otherwise usual and ordinary.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Jonathan Millea	<b>Date:</b> 7/8/2022

**Approved for Agenda**  Yes  No

**AGREEMENT TO MUTUALLY TERMINATE  
COMMUNITY REINVESTMENT AREA AGREEMENT #13-003**

**THIS AGREEMENT TO MUTUALLY TERMINATE COMMUNITY REINVESTMENT AREA AGREEMENT #13-003**, is entered into this 14 day of April, 2022 between the City of Wooster, a municipal corporation of Ohio, with its main offices located at 538 N. Market Street, Wooster, Ohio 44691 (hereinafter referred to as “City”); and Xcess Limited, an Ohio domestic limited liability company, with its main offices located at 789 Industrial Boulevard, Wooster, Ohio 44691 (hereinafter referred to collectively as “Enterprise”).

**RECITALS:**

1. As authorized by Wooster City Council Ordinance 2013-40, City and Enterprise executed a Community Reinvestment Area Agreement on October 25, 2013 (hereinafter referred to as “Agreement”), referenced by the Ohio Department of Development as CRA Agreement #13-003 within Community Reinvestment Area 169-86548-01.
2. Enterprise commitment in the Agreement to investing \$200,000 to rehabilitate make repairs to its warehousing and distribution facilities located on two contiguous properties at 789 Industrial Boulevard (PPN 66-00066.000) and 813 Industrial Boulevard (PPN: 66-00067.000) and create fifteen new full-time jobs at the location with an annual payroll of \$375,000.00, in return for a 10-year, 50 percent abatement on the improved value of the property.
3. Enterprise timely performed rehabilitation work as committed, however, the improvements did not result in a change in the project site’s assessable value.
4. Enterprise has substantially met its employment goals and has continually exceeded its payroll commitments at the project site during the term of its agreement to date, while having continued to coordinate with City on its annual reporting requirements.
5. As no tax benefit has materialized nor is any anticipated further, Enterprise and City now seek to terminate the agreement so as to end annual reporting obligations.

In consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from executing this agreement, the parties agree as follows:

**Section 1:** The Community Reinvestment Area Agreement between the City and Enterprise shall be terminated effective immediately. The City and Enterprise shall be released from all obligations thereunder, except that Enterprise will provide any information if required by the State of Ohio Department of Development in connection with the termination of this agreement.

**Section 2:** Upon execution of this agreement, the City of Wooster shall instruct the Wayne County Auditor that the Community Reinvestment Area tax benefit is concluded and Enterprise will not be required to complete an annual Status Report from the City of Wooster for reporting year 2022.

**Section 3:** Enterprise agrees to indemnify and hold harmless City from all lawful claims, judgements, penalties, attorneys’ and consultants’ fees, and/or liabilities arising out of, involving, or in connection with its Community Reinvestment Area agreement and this mutual termination agreement.




**IN WITNESS WHEREOF**, the City of Wooster, Ohio, by Robert F. Breneman, its Mayor, has caused this instrument to be executed this 14 day of April 2022; Xcess Limited LLC by Jason Carrick, its Principal, has caused this instrument to be executed on this 14 day of April 2022.

**SIGNATORIES:**

**CITY OF WOOSTER, OHIO**

by \_\_\_\_\_  
Robert F. Breneman, Mayor

**XCESS LIMITED**

by  \_\_\_\_\_  
Jason Carrick, Principal

Approved as to form: \_\_\_\_\_  
John Scavelli, Attorney at Law  
538 N. Market Street  
Wooster, Ohio 44691  
Tel. 330.263.5248 / Fax 330.263.5247



**CRA**  
#169-86548-01

CRA#: 169-86548-01  
Xcess Limited LLC  
789 Industrial Boulevard, Wooster, Ohio 44691  
Parcel(s): 66-00066.000 and 66-00067.000  
Agreement 13-003

**Status**  
Fully  
Compliant

Execution: 10/29/2013  
Expiration: 12/31/2024  
Incentive: 10-Year, 50 Percent Real / Personal Property  
School District: Triway Local School District

7/6/2022

	Commitment:	2007		2008		2009		2010		2011		2012		2013		2014		2015		2016		2017		2018		2019		2020		2021		2022		Project Totals					
		As of 12/2007	As of 12/2008	As of 12/2009	As of 12/2010	As of 12/2011	As of 12/2012	As of 12/2013	As of 12/2014	As of 12/2015	As of 12/2016	As of 12/2017	As of 12/2018	As of 12/2019	As of 12/2020	As of 12/2021	As of 12/2022	Est*	Est*	Est*	Est*	Est*	Est*	Est*	Est*	Est*	Est*	Est*	Est*	Est*	Est*								
Property:	\$200,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-				
Exemption:	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-			
Personal:	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Total Jobs:	15	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Total Payroll:	\$375,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
New Jobs:	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
New Payroll:	\$375,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Saved Jobs:	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Saved Payroll:	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

**Incentive Impacts:**

Real Taxes Paid	-	\$11,756	\$11,876	\$11,917	\$12,031	\$9,823	\$9,494	\$9,507	\$12,542	\$12,365	\$12,339	\$12,185	\$13,872	\$13,759	\$105,885
Real Taxes Foregone	-	-	-	-	-	-	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Personal Taxes Paid	-	-	-	-	-	-	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Personal Taxes Foregone	-	-	-	-	-	-	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

**Previous Compliance**

The Tax Incentive Review Council last reviewed this CRA agreement on November 29, 2021, when it recommended the continuation of the agreement, which was approved by Wooster City Council.

**Summary**

This project was approved to bring three industrial warehouse structures back to productive use. Xcess Limited specializes in discount consumer product re-sales and distribution, both online and serving local retail outlets. The business has brought new economic activity to a once empty site used for outside storage. The work has not resulted in an impact to the site's tax value. Employment and payroll declined significantly after the firm acquired a larger 75% tax-abated property outside of City limits at 1605 Sylvan Road, Wooster Ohio (Wooster Township). (Through no fault of the business, neither a State waiver nor notice to the City was facilitated by the authorizing entity as required by State law. Staff's assessment is that the acquisition and relocation was necessary for the business to continue investing in Wooster proper and that a waiver would have been most appropriate and likely granted.) The firm continues to exceed its original commitments at the site. As the project has not resulted in a tax savings to the business, Xcess Limited has requested and been provided an agreement for mutual termination, which would relieve the firm from having to submit annual reports in the future. With no foregone revenues having been previously received, staff recommends mutual termination 2021 based on business's preference.

RESOLUTION NO. 2022-32

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER A  
MUTUAL TERMINATION AGREEMENT WITH COYOTE GROUP  
LLC FOR CRA INCENTIVES PERMITTED THROUGH  
ORDINANCE NO. 2019-12 FOR IMMEDIATE ENACTMENT

WHEREAS, this City Council, in Ordinance No. 2019-12, authorized the Mayor to enter into an agreement with Coyote Group LLC for Community Reinvestment Area (CRA) Tax Incentives, including a capital investment of approximately \$132,000.00 for rehabilitation of a first-floor storefront and conversion of second-floor storage space into an apartment at 230 S. Market Street, Wooster, Ohio 44691 (Project Site); and

WHEREAS, Coyote Group LLC made the improvements as promised and continues to cause employment at the site in substantial compliance of its CRA commitments, and now requests a mutual termination of its agreement in order to sell its Project Site to its commercial tenant and alleviate itself of future reporting obligations; and

WHEREAS, a mutual termination would result in a gain of approximately \$6,625 in new property tax revenues for the community; and

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

SECTION 1. The Mayor is authorized to enter into an agreement on behalf of the City of Wooster with Coyote Group LLC to mutually terminate its 2019 CRA agreement, previously authorized by Ordinance No. 2019-12 and referenced by the Ohio Department of Development as Agreement 19-002, which will cease the exemption upon execution of said termination agreement.

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

SECTION 3. This Resolution is hereby declared to be 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 time is of the essence in making a timely application for the funds described above; 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: \_\_\_\_\_, 2022 Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2022 \_\_\_\_\_

Mayor

Introduced by: Craig Sanders

**Request for Agenda Item**

Authorization for Bid

Purchase Capital Item

Non-Capital

Division <b>Development</b>	Meeting Date Requested <b>September 6th, 2022</b>
Project Name <b>Mut. Termination of CRA 19-002</b>	Estimated Total Funds/Costs <b>\$0</b>
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? <b>N/A - Authorization to enter into an agreement with Coyote Group LLC to terminate CRA 19-002.</b>	
<b>Description of Request</b> Authorization for the Mayor to enter into a mutual termination agreement with Coyote Group LLC to cease its CRA Agreement (#19-002, with terms of 100% & 10-Years), as authorized by Ord. No. 2019-12 with Wooster City School District approval. As promised, Coyote Group performed a complicated rehabilitation project at 230 S. Market St. The CRA provided a savings of \$828 in 2021, whereas the firm was originally concerned valuation would be much higher. In March, the firm approached the City to inquire about transferring its CRA to Meraki Artistry, its commercial tenant. Over the next few months, found termination was optimal as this alleviated the new owner from reporting requirements. With termination, Coyote Group LLC would not be subject to clawback, but would forgo approx. \$6,625 to \$7,453 in future tax savings, funds which would instead go to local governments (WCSD, County, City, etc). Meraki Artistry will become an owner-occupant, allowing it to continue maintaining jobs into the foreseeable future.	
<b>Justification / Benefits</b> Economic Development staff RECOMMENDS mutual termination. Coyote Group LLC performed a remarkable rehabilitation as promised and is compliance with its agreement. A property sale will allow the tenant business a permanent Downtown home with long-term employment activity, while also generating \$6,625 to \$7,435 in additional property taxes.	
<b>Will this Project affect the City's Operating Costs</b> No direct cost impact anticipated, would improve efficiency of tax exemption portfolio management.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> 1. Continue the agreement: the exemption would cease and the City would not be able to meet its reporting obligations. 2. Termination with claw-back: not appropriate for an otherwise compliant project.	
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 Suspension preferred as this request is otherwise usual and ordinary.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting: Jonathan Millea</b>	<b>Date: 7/8/2022</b>

Approved for Agenda  Yes  No

*Rec 2022-32*

*#11*

**AGREEMENT TO MUTUALLY TERMINATE  
COMMUNITY REINVESTMENT AREA AGREEMENT #13-003**

**THIS AGREEMENT TO MUTUALLY TERMINATE COMMUNITY REINVESTMENT AREA AGREEMENT #19-002**, is entered into this \_\_\_ day of \_\_\_\_\_, 2022 between the City of Wooster, a municipal corporation of Ohio, with its main offices located at 538 N. Market Street, Wooster, Ohio 44691 (hereinafter referred to as "City"); and Coyote Group LLC, an Ohio domestic limited liability company, with its main offices located at 11050 Clay Street, Montville, Ohio 44064 (hereinafter referred to collectively as "Enterprise").

**RECITALS:**

1. As authorized by Wooster City Council Ordinance 2019-12, City and Enterprise executed a Community Reinvestment Area Agreement on June 10, 2019 (hereinafter referred to as "Agreement"), referenced by the Ohio Department of Development as CRA Agreement #19-002 within Community Reinvestment Area 169-86548-01.
2. Enterprise commitment in the Agreement to investing \$132,000 to rehabilitate an 1,800 square foot, two-story retail store located at 230 S. Market Street, Wooster, Ohio 44691 (Parcel PPN: 64-01067.000), so as to rehabilitate existing retail space, create one new housing unit, and create a minimum of two full-time jobs with a minimum annual payroll of \$35,568, in return for a 10-year, 100 percent abatement on the improved value of the property.
3. Enterprise timely performed rehabilitation work as committed, however, the improvements resulted in only a minimal change in the project site's assessable value, providing Enterprise with an annual savings of \$828.
4. Enterprise has substantially met its employment goals to-date, while having continued to coordinate with City on its annual reporting requirements, and now desires to sell the project site's commercial tenant.
5. As minimal tax benefit has materialized and an opportunity exists to transfer the property to an owner-occupant, Enterprise and City now seek to terminate the agreement so as to end annual reporting obligations.

In consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from executing this agreement, the parties agree as follows:

**Section 1:** The Community Reinvestment Area Agreement between the City and Enterprise shall be terminated effective immediately. The City and Enterprise shall be released from all obligations thereunder, including any obligation for repayment of forgone tax revenues (estimated at \$848), except that Enterprise will provide any information if required by the State of Ohio Department of Development in connection with the termination of this agreement.

**Section 2:** Upon execution of this agreement, the City of Wooster shall instruct the Wayne County Auditor that the Community Reinvestment Area tax benefit is concluded and Enterprise will not be required to complete an annual Status Report from the City of Wooster for reporting year 2022.



Section 3: Enterprise agrees to indemnify and hold harmless City from all lawful claims, judgements, penalties, attorneys' and consultants' fees, and/or liabilities arising out of, involving, or in connection with its Community Reinvestment Area agreement and this mutual termination agreement.

IN WITNESS WHEREOF, the City of Wooster, Ohio, by Robert F. Breneman, its Mayor, has caused this instrument to be executed this \_\_\_ day of \_\_\_\_\_ 2022; Coyote Group LLC by William Erdos, its Member, has caused this instrument to be executed on this 16<sup>th</sup> day of May 2022.

**SIGNATORIES:**

**CITY OF WOOSTER, OHIO**

by \_\_\_\_\_  
Robert F. Breneman, Mayor

**COYOTE GROUP LLC**

by   
William Erdos, Member

Approved as to form: \_\_\_\_\_  
John Scavelli, Attorney at Law  
538 N. Market Street  
Wooster, Ohio 44691  
Tel. 330.263.5248 / Fax 330.263.5247



ORDINANCE NO. 2022-18

AN ORDINANCE AMENDING ORDINANCE NO. 2014-06 BY  
AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO  
AMEND AN AGREEMENT ADDING PURPLE MARTIN  
PICTURES LLC TO THE COMMUNITY REINVESTMENT  
AREA AGREEMENT WITH ATO LLC AND ALLOWING FOR  
IMMEDIATE ENACTMENT

WHEREAS, this City Council, in Ordinance No. 2014-06, authorized the Mayor to enter into an agreement with C&C Wellert Properties LLC for Community Reinvestment Area Tax Incentives, including a capital investment of up to \$82,750.00 for the renovation of an existing multi-use facility at 149 N. Walnut Street Street, Wooster, Ohio in order to rehabilitated commercial space and secure the building facade with the commitment of retaining at least two full-time jobs, with an exemption of real estate taxes for a period of ten (10) years; and

WHEREAS, C&C Wellert Properties LLC previously obtained approval of this Council to transfer its Community Reinvestment Area (CRA) Agreement, with all of its rights and responsibilities, to Walnut North Investment Properties LLC by adoption of Ordinance No. 2020-13, and Walnut North Investment Properties LLC subsequently obtained approval of this Council to transfer the CRA, with all of its rights and responsibilities, to ATO LLC which additionally agreed to expand its jobs creation commitment to four full-time employees by adoption of Ordinance No. 2021-46; and

WHEREAS, ATO LLC now seeks to obtain the approval of this Council to include Purple Martin Pictures LLC, an independent property holding firm owned by the same proprietor (Andrew Taylor), as a co-equal party to its Community Reinvestment Area (CRA) Agreement, with all of its rights and responsibilities; and

WHEREAS, All other aspects of the agreement have otherwise been met, with substantial investment having been made in rehabilitating 149 N. Walnut Street, Wooster, Ohio as originally committed.

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

SECTION 1. Ordinance No. 2014-46, as amended by 2021-46, is modified to provide that the Director of Administration, on behalf of the City of Wooster, is authorized to enter into an *amended* agreement with ATO LLC and Purple Martin Pictures LLC, where each be substituted as the Enterprise, and thus eligible for the remaining CRA tax incentives. It is expressly understood that ATO LLC and Purple Martin Pictures LLC will coequally assume the CRA agreement as it was originally executed and as it presently exists; that the terms will remain unchanged except for the following: (1) the identity of ATO LLC and Purple Martin Pictures LLC as the Enterprise and (2) and that the ATO LLC and Purple Martin Pictures LLC will be required to meet all of the Enterprise's obligations thereunder.

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



**Request for Agenda Item**

Authorization for Bid

Purchase Capital Item

Non-Capital

<b>Division</b> Development	<b>Meeting Date Requested</b> September 6, 2022
<b>Project Name</b> CRA 14-001 Joinder Request	<b>Estimated Total Funds/Costs</b> \$0.00
<b>Is Full Amount Budgeted?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, three readings NOT REQUIRED	
<b>If No, How is the Purchase to be Funded?</b> N/A - This legislation seeks to accept an additional company to an existing tax exemption agreement.	
<b>Description of Request</b> This application seeks an additional assignment of Agreement Wooster CRA #1 14-001 for improvements made at 149 N. Walnut Street, Wooster, Ohio 44691. Previously, Wooster City Council authorized a transfer of CRA for the project site to ATO Content LLC, owned by Andy Taylor, with Ordinance No. 2021-43. ATO LLC is a tech-based marketing firm operating from an exempted project site at 149 N. Walnut Street, Wooster, Ohio (Parcel 64-01693.000). Prior to closing, it became necessary for Mr. Taylor to create a separate limited liability company in which to hold and manage the real estate. Though owned by the same proprietor and no change to operations are occurring, since Purple Martin Pictures LLC is its own legal entity, it is required to be named on the agreement as it will be directly receiving the real estate tax exemption. This is the third amendment to this 100%, 10-year CRA agreement signed on March 5, 2014 with C&C Wellert Properties LLC, which rehabilitated the mixed-use two-story structure. The agreement was transferred to Walnut North Investment Properties LLC in 2020, and then to ATO LLC on December 21, 2022, which increased created jobs to four FTE.	
<b>Justification / Benefits</b> C&C Wellert Properties LLC conducted a major building rehabilitation as committed, which was maintained by the Current owner. The tenant-turned owner, ATO LLC, has INCREASED employment at the site. Addition of the property-holding company allows ATO LLC to efficiently continue its operations at the site.	
<b>Will this Project affect the City's Operating Costs</b> No impact anticipated. This exemption will expire at the end of 2024.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> Without a transfer, the project will not be eligible for exemption going forward, despite having met its expanded job commitment for the project site.	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances: N/A	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons Suspension preferred as request is otherwise usual and ordinary.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Jonathan Millea	<b>Date:</b> 8 July 2022

Approved for Agenda  Yes  No

#5

ORD  
2022-18



**CRA Application – Purple Martin Pictures LLC**  
**149 N. Walnut St., Wooster, Ohio 44691**  
**Address: 149 N. Walnut St., Wooster, Ohio 44691**  
**Authorized Representative: Mr. Andy Taylor**

**NOTICE : ATTACHMENT 1**  
**Application**

**Developer Coordinator’s Note:** *This application seeks an **additional assignment** of Agreement Wooster CRA #1 14-001 for improvements made at 149 N. Walnut Street, Wooster, Ohio 44691. Previously, Wooster City Council authorized a transfer of CRA for the project site to ATO Content LLC, owned by Andy Taylor, with Ordinance No. 2021-43. Prior to closing, it became necessary for Mr. Taylor to create a separate limited liability company in which to hold and manage the real estate. Though owned by the same proprietor and no change to operations are occurring, since Purple Martin Pictures LLC is its own legal entity, it is required to be named on the agreement as it will be directly receiving the real estate tax exemption.*

**PROPOSED AGREEMENT for Community Reinvestment Area Tax Incentives between the City of Wooster located in the County of Wayne and Purple Martin Pictures LLC.**

1. a. Name of property owner, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

<u>Purple Martin Pictures LLC</u> Enterprise Name	<u>Mr. Andy Taylor</u> Contact Person
<u>149 N. Walnut Street</u> <u>Wooster, Ohio 44691</u> Address	<u>310.739.4745</u> Telephone Number
	<u>Andy@atocontent.com</u> Contact Email

- b. Project site:

<u>149 N. Walnut St. Bldg.</u> Location Name	<u>Mr. Andy Taylor</u> Contact Person
<u>149 N. Walnut Street</u> <u>Wooster, Ohio 44691</u> Address	<u>310.739.4745 / 330.804.0141</u> Telephone Number
	<u>Andy@atocontent.com</u> Contact Email

2. a. Nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site.

**CRA Application – Purple Martin Pictures LLC**  
**149 N. Walnut St., Wooster, Ohio 44691**  
**Address: 149 N. Walnut St., Wooster, Ohio 44691**  
**Authorized Representative: Mr. Andy Taylor**

Downtown Mixed Use: Media Production, Retail Store, Residential Apartments  
Original: Downtown Mixed Use: crafting studio, Retail Store, Residential Apartments.

b. List primary 6 digit North American Industry Classification System (NAICS) # 512110

Business may list other relevant SIC numbers. Subject to Change over project period as tenants may change: 531311 (Residential Property Management), 452990 (Variety Store), 541810 (Advertising Agency).

c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred: This is a request to allow Purple Martin Pictures LLC to be included as a party to the existing agreement, alongside ATO Content LLC, as a property management entity owning the exempted real estate. As of 12/2022: This is a request for a transfer of an existing CRA for the remaining three years of abatement for the new firm affiliated with ATO Content, an advertising agency employing four people which is a tenant at the building, at the to continue the maintenance and upkeep of the building. In addition to ATO Content, the building currently hosts A Time To Craft, an entrepreneurial arts and events venture. This follows a previous amendment request to transfer the CRA agreement C & C Wellert Properties to Walnut North Investment Properties LLC. Original response: N/A – Applicant is a property holding company. Applicant operates a Video Production Studio at project site, and leases three residential apartments and a retail store that is managed by another firm. Companies at the project site include: C&C Wellert Properties LLC, C&C Video Productions LLC, and a retail tenant.

d. Form of business of enterprise (corporation, partnership, proprietorship, or other).

LLC

3. Name of principal owner(s) or officers of the business.

Mr. Andy Taylor

4. a. State the enterprise's current employment level at the proposed project site:

None. (ATO LLC will continue to maintain four created jobs at the site)

b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Yes\_\_\_ No X\_\_\_\_\_

**CRA Application – Purple Martin Pictures LLC**  
**149 N. Walnut St., Wooster, Ohio 44691**  
**Address: 149 N. Walnut St., Wooster, Ohio 44691**  
**Authorized Representative: Mr. Andy Taylor**

- c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

This project seeks to add a property management entity and owner of real estate as a party to the agreement.

- d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees):

N/A

- e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets:

N/A

- f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated? \_\_\_\_\_

N/A

5. Does the Property Owner owe:

- a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?

Yes \_\_\_ No X

- b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes \_\_\_ No X \_\_\_

- c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not?

Yes \_\_\_ No X

- d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets).

6. Project Description: This request seeks to include Purple Martin Pictures LLC, as the property owner responsible for management of the structure, as a party to the agreement. As of 12/2021: Seeking assignment of existing CRA only. Transfer will enable a new owner to maintain for previous investment and job creation commitments. Previous amendment request: Seeking assignment of existing CRA only. Transfer will enable a new



**CRA Application – Purple Martin Pictures LLC**  
**149 N. Walnut St., Wooster, Ohio 44691**  
**Address: 149 N. Walnut St., Wooster, Ohio 44691**  
**Authorized Representative: Mr. Andy Taylor**

owner to maintain for previous investment and job creation commitments. Original scope: This project will retain two existing businesses and also maintain three residential apartments in Wooster's downtown area. The project will work to bring an existing multi-use structure up to code compliance while greatly enhancing aesthetics of the exterior. The project is occurring in a sensitive Downtown location, positioned between the Wooster School District Board of Education building, near the County Justice Center, and north of the recently-constructed Merchants Block. Project elements will include an upgrading of the façade, replacement of noncompliant windows, and either the replacement or repair of the building's roof. Also, the building's chimney would also be removed as part of the project.

7. Project will begin on or about February 5, 2014, and be completed December 31, 2014 provided a tax exemption is provided.
8. a. Estimate the number of new employees the property owner will cause to be created at the facility that is the project site (job creation projection must be itemized by the name of the employer, full and part-time and permanent and temporary):

This is a joinder request and commitments from ATO LLC are not changing. As of 12/2021 New company will ensure retention of at least four (current number) full-time equivalent jobs at the site at a payroll not to fall below \$40,000. New company will obtain approval from the City of Wooster and the Ohio Development Services Agency prior to allowing any tenant to relocation from an existing Ohio job site to 149 N. Walnut Street during the exemption period, as doing so without advanced approval may result in the termination of the exemption. Previous amendment statement from Walnut North Investment Properties LLC: New company will ensure the retention of at least 2.5 full-time equivalent jobs on site at a payroll not to fall below \$40,000 or annual full-time Ohio minimum wages, whichever is higher. New company will seek advance permission from City of Wooster and Ohio Development Services Agency prior to allowing any tenant to relocate an existing Ohio job to the site from another location. Previous scope included: C&C Wellert Properties LLC will maintain space to retain at least two full-time equivalent positions at the project site: (1) One and one half FTE at C&C Video Production LLC. (2) at least one FTE at the retail section of the building.

- b. State the time frame of this projected hiring: 2 (retained) yrs.
- c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees): N/A
9. a. Estimate the amount of annual payroll such new employees will add N/A – Existing

**CRA Application – Purple Martin Pictures LLC**  
**149 N. Walnut St., Wooster, Ohio 44691**  
**Address: 149 N. Walnut St., Wooster, Ohio 44691**  
**Authorized Representative: Mr. Andy Taylor**

employment will be maintained. (new annual payroll must be itemized by full and part-time and permanent and temporary new employees). \_\_\_\_\_

- b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ 40,000 Original: \$40,000 or Ohio minimum wage rates for 2.5 full-time equivalent jobs, whichever is higher.

10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

A. Acquisition of Buildings:	\$ _____
B. Additions/New Construction:	\$ _____
C. Improvements to existing buildings:	\$ <u>87,725.00</u>
D. Machinery & Equipment:	\$ _____
E. Furniture & Fixtures:	\$ _____
F. Inventory:	\$ _____
<b>Total New Project Investment:</b>	<b>\$ <u>82,725.00</u></b>

11. a. Business requests the following tax exemption incentives: 100% for ten (10) years covering \$82,725.00 of real property as described above. Be specific as to the rate, and term.

- b. Business's reasons for requesting tax incentives:

Purple Martin Pictures LLC was created as a separate entity to hold the real estate at 148 N. Walnut Street in order to provide a permanent home to ATO LLC. Andy Taylor is the proprietor of both limited liability companies. For all of the same reasons previously expressed with the original application in November of 2021, the incentive will ensure financial viability of the project for ATO LLC as it works to continue expansion of its operations in Wooster, as previously committed. As of 12/2021: This is a request for a transfer of an existing CRA for the remaining three years of abatement for the new firm to continue the maintenance and upkeep of the building. The building currently hosts two tenants, including ATO LLC and A Time to Craft, both of which having employees who live, work, shop, and eat in downtown every day. The savings this assistance would provide would help ensure that the companies could continue to thrive and potentially



**CRA Application – Purple Martin Pictures LLC**  
**149 N. Walnut St., Wooster, Ohio 44691**  
**Address: 149 N. Walnut St., Wooster, Ohio 44691**  
**Authorized Representative: Mr. Andy Taylor**

grow. Walnut North Investment Properties LLC from 3/21/2020: This is a request for a transfer of an existing CRA for the remaining five years of abatement for the new firm to continue the maintenance and upkeep of the building. The building currently hosts two retail tenants, including A Time to Craft and Wooster Tactical. Original application objective: Money saved on taxes will be used to reinvest in the facility and to make future needed improvements for the facility. Funding will also help to retain and add additional employees by having cash flow available during this time of improvements. Please see attached Company Statement.

Submission of this application expressly authorizes City of Wooster to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item # 5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver form allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request.

The Applicant agrees to supply additional information upon request.

Any agreement will require compliance with all City ordinances and policies, including zoning and design review specifications.

The Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C) (1) and 2921.13(D) (1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefits as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

PURPLE MARTIN PICTURES LLC  
Name of Property Owner

4/18/22  
Date

  
Signature

ANDY TAYLOR / MEMBER  
Typed Name and Title

\* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

\*\* Attach to Final Community Reinvestment Area Agreement as Exhibit A

Please note that copies of this proposal must be included in the finalized Community Reinvestment Area Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Development Services Agency within fifteen (15) days of final approval.

**NOTICE: ATTACHMENT 2, Proposed Agreement**

**ASSIGNMENT OF COMMUNITY REINVESTMENT AREA AGREEMENT**

**THIS THIRD AMENDMENT OF COMMUNITY REINVESTMENT AREA AGREEMENT**, made and entered into this 18 day of APRIL, 2022 by and between ATO LLC, an Ohio domestic limited liability company, with its main offices located at 149 N. Walnut Street, Wooster, Ohio, 44691, and (hereinafter referred to as “Employer”), and Purple Martin Pictures LLC, an Ohio domestic limited liability company, with its main offices located at 149 N. Walnut Street, Wooster, Ohio, 44691 (hereinafter referred to as “Landlord”), and the **City of Wooster**, a municipal corporation of Ohio, with its main offices located at 538 N. Market Street, Wooster, Ohio 44691 (hereinafter referred to as “City”).

**RECITALS:**

1. A Community Reinvestment Area Agreement numbered 14-001 (hereinafter referred to as “CRA”) was established on March 17, 2014, with C & C Wellert Properties LLC committing to (1) renovate a certain property located at 149 N. Walnut Street in Wooster (Comprising of Parcel 64-01693.000); and (2) retain two full-time jobs and one part-time job, in return for a 100% CRA tax exemption on the improved value resulting from the rehabilitation to continue for a period of ten (10) years; and
2. City authorized an assignment of the CRA from C & C Wellert Properties LLC to Walnut North Investment Properties LLC on May 6, 2020 in accordance with Ordinance No. 2020-13 (the “First Amendment”), and then authorized an assignment of the CRA from Walnut North Investment Properties LLC to ATO LLC, the Employer, on December 21, 2021 in accordance with Ordinance No. 2021-42 (the “Second Amendment”), which also amended job retention requirements to four full-time jobs; (a copy of said CRA and first and second amendments are attached hereto and incorporated herein by reference)
3. For organizational purposes, it was determined by ATO LLC, “Employer”, that obligations for building ownership and building maintenance needed to be separate from its other operations, and therefore, Purple Martin Pictures LLC, “Landlord” was established as a property holding and management entity, and as a distinct separate entity, a “Third Amendment” is necessary to accommodate Landlord as a party to the CRA agreement.

In consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from executing this agreement, the parties agree as follows:

**Section 1:** Landlord agrees that upon execution of this Amendment that it shall become a party to the CRA Agreement as “Enterprise” and agrees to assume equally with ATO LLC all of Enterprise’s responsibilities and obligations of the original Community Reinvestment Area Agreement dated March 17, 2014, as amended May 6, 2020, and as amended December 21, 2021.

ATO LLC Initial & Date: AT 4/18/22

Purple Martin Pictures LLC Initial & Date: AT 4/18/22

City of Wooster Initial & Date: \_\_\_\_\_

**Section 2:** Employer and Landlord agree to indemnify and hold harmless City from all lawful claims, judgements, penalties, attorneys' and consultants' fees, or liabilities arising out of, involving, or in connection with this Community Reinvestment Area Agreement or this amendment.

**Section 3:** All other terms of the Agreement dated March 17, 2014, as amended May 6, 2020, and as amended December 21, 2021, shall remain the same.

**IN WITNESS WHEREOF**, the City of Wooster, Ohio, by A. Joel Montgomery, Director of Administration, pursuant to Ordinance No. 2022-\_\_\_\_, has caused this instrument to be executed this 18 day of APRIL 2022; and ATO LLC by Andrew Taylor, its Member, has caused this instrument to be executed on this 18 day of APRIL 2022, and Purple Martin Pictures LLC by Andrew Taylor, its Member, has caused this instrument to be executed on this 18 day of APRIL 2022.

**SIGNATORIES:**

**CITY OF WOOSTER, OHIO**

by \_\_\_\_\_  
A. Joel Montgomery, Director of Administration

**ATO LLC**

by Andrew Taylor, Member

**PURPLE MARTIN PICTURES LLC**

by Andrew Taylor, Member

Approved as to form: \_\_\_\_\_  
John Scavelli, Attorney at Law  
538 N. Market Street  
Wooster, Ohio 44691  
Tel. 330-263-5248 / Fax 330-263-5247



**CRA**  
#169-86548-01

CRA#: 169-86548-01  
Walnut North Investment Properties LLC  
149 N. Walnut Street, Wooster, Ohio 44691  
Parcel(s): 64-01693.000

Agreement 14-001

Execution: 10/29/2013, Amended 4/28/2020

Expiration: 12/31/2025

Incentive: 10-Year, 100 Percent Real / Personal Property

School District: Wooster City School District

**Status**  
Joinder  
Required



February 11, 2022



Original: 6/2014

	Commitment:	2008 Pay		2009 Pay		2010 Pay		2011 Pay		2012 Pay		2013 Pay		2014 Pay		2015 Pay		2016 Pay		2017 Pay		2018 Pay		2019 Pay		2020 Pay		2021 (Est*)		Project Totals			
		2009	2010	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2016	2017	2018	2019	2020	2021	2017	2018	2019	2020	2021	2020	2021	As of 12/2021	As of 12/2021			
Property:	\$82,750	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$224,324	\$224,324		
Exemption:	\$82,750	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$224,324	\$224,324		
Personal:	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$0	\$0		
Total Jobs:	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	4		
Total Payroll:	\$40,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$105,000	\$65,000	\$0	\$494,002
New Jobs:	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	4		
New Payroll:	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$65,000	\$65,000	\$0	\$494,002
Saved Jobs:	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0		
Saved Payroll:	\$40,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$40,000	\$40,000	\$0	\$0

**Previous Compliance**

The Tax Incentive Review Council last reviewed this CRA agreement on November 29, 2021, when it recommended the continuation of the agreement, which was approved by Wooster City Council.

**Summary**

This CRA project today supports a media production company serving a national market and "A Time to Craft" paint studio, in addition to three apartments. Constructed in 1929 with multiple additions through the years, the project site featured a patchwork of facade-types in 2014 when portions of the garage-area wall began to show signs of structural failure. Through the CRA program and a CDBG grant, C&C Wellert Properties rehabilitated the building (the worst portion of the garage being demolished to create new parking spaces) to secure its then-studio space, thrift store space, and three apartments. The project also won a Main Street Wooster award. Council agreed to allow the property to transfer to a new in 2020, Walnut Street Investment Properties LLC, which then sold the building to its tenant January 5, 2022, Purple Martin Pictures LLC / ATO LLC (Andy Taylor, owner of each). Council granted pre-approval for ATO LLC to assume the CRA agreement in 2021, however, because it was necessary to create a separate LLC for the sole purpose of holding the building, a joinder is necessary to properly include Purple Martin Pictures LLC as a party to the agreement. Purple Martin Pictures LLC has since made and application and signed a proposed agreement alongside ATO LLC (which will remain committed to employment), subject to this TIRC's recommendation and then Wooster City Council's approval later this year. As ATO LLC and Purple Martin Pictures LLC have continued to make real investment in the building and are responsible for the building exceeding its job and payroll commitments, and the addition of a party strengthens the commitments, a request to modify the agreement to include Purple Martin Pictures LLC is recommended.

**NOTICE: ATTACHMENT 3 - Current DRAFT 2021 TIRC Status Sheet**



ORDINANCE NO. 2022-19

AN ORDINANCE AUTHORIZING THE MAYOR TO AMEND THE CITY'S AGREEMENT WITH CM PROPERTIES LLC AS PERMITTED THROUGH ORDINANCE NO. 2011-11, FOR IMMEDIATE ENACTMENT

WHEREAS, this City Council, in Ordinance No. 2011-11, authorized the Mayor to enter into an agreement with CM Properties for Community Reinvestment Area (CRA) Tax Incentives to renovate a property located at 115 N. Grant Street as a Family Dollar retail store in Wooster, including a capital investment of up to \$700,000.00 for the acquisition and renovation of an existing facility, with the creation of at least two new jobs.

WHEREAS, CM Properties LLC later signed an agreement committing to ten full-time jobs with a payroll of \$210,000 annually; however, through the tenure of its agreement has on average, maintained five full-time job equivalents with an average \$141,000 payroll annually; and

WHEREAS, on November 29, 2022, the City of Wooster Tax Incentive Review Council recommended a modification of CM Properties LLC's CRA job and payroll commitments to five full-time jobs or equivalents and \$141,000 respectively; and

WHEREAS CM Properties LLC has completed the renovation of 115 N. Grant Street as committed and continues to provide a positive economic activity within the CRA.

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

SECTION 1. The Mayor, on behalf of the City of Wooster, is authorized to amend the job creation requirements in the City of Wooster's 2011 CRA Agreement with CM Properties LLC from 10 full-time jobs to five full-time or equivalent jobs, with a minimum payroll of \$141,000.

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

SECTION 3. This Ordinance is hereby declared to be 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 time is of the essence in making a timely application for the funds described above; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Passed: \_\_\_\_\_, 2022 Vote: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2022  
Mayor \_\_\_\_\_

Introduced by: Craig Sanders



11

### Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

<b>Division</b> Development	<b>Meeting Date Requested</b> September 6th, 2022
<b>Project Name</b> Amend CRA Agr. 11-001	<b>Estimated Total Funds/Costs</b> \$0
<b>Is Full Amount Budgeted?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
<b>If No, How is the Purchase to be Funded?</b> N/A - Authorization to amend CRA agreement with CM Properties LLC CRA 11-001 for 115 N. Grant St.	
<b>Description of Request</b> Authorization for the Mayor to amend the City of Wooster's 2011 CRA tax exemption agreement with CM Properties LLC (Family Dollar) by modifying the Enterprise's job and payroll commitments as per the recommendations of the most recent Tax Incentive Review Council. The project saw the renovation of 115 N. Grant Street. Family Dollar has consistently reported the equivalent of five full-time jobs with an average payroll of \$141,000. These figures exceed the minimum two-job requirement state in authorizing Ordinance 2011-11. However, at the time of formalizing the final agreement, the company upped its commitments to 10 jobs with a \$210,000 payroll. On November 29, 2021, the Wooster TIRC recommended amending the agreement's commitments to meet the historical performance. CM Properties LLC receives a \$1,823 annual benefit from the CRA agreement, which expires at the end of 2023. The project generates the same amount in new revenue in addition to \$2,100 in annual income taxes, a cost-to-benefit ratio of 0.46. No amendment is necessary to Ordinance 2011-11, but in accordance with the City's practice, Council authorization is required to amend agreements.	
<b>Justification / Benefits</b> Economic Development staff RECOMMENDS the modification. The amended job and payroll requirements remain higher than represented at the onset of the project, and will bring the project back into compliance. The amendment follows the TIRC's recommendation for modification which was previously accepted by Wooster City Council via Ordinance 2021-73.	
<b>Will this Project affect the City's Operating Costs</b> No.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> Council reserves the right to terminate agreements where commitments are not met, however, CM Properties LLC has acted in good faith, performed its rehabilitation, and benefited Downtown.	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Explain The Circumstances:	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons Suspension preferred as this request is otherwise usual and ordinary.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Jonathan Millea	<b>Date:</b> 7/8/2022

<b>Approved for Agenda</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
---

## AMENDMENT #1 TO COMMUNITY REINVESTMENT AREA AGREEMENT

**THIS First Amendment** to the Community Reinvestment Area Agreement (CRA) dated May 5, 2011 between the City of Wooster, a municipal corporation of Ohio, with its main offices located at 538 N. Market Street, Wooster, Ohio 44691 (the "City"), and CM Properties-Wooster LLC, with its main offices located at 929 Market Street Parkersburg, West Virginia 26102 (the "Enterprise"), is made effective as of the \_\_\_ day of April, 2022.

### RECITALS:

1. On May 5, 2011, City and Enterprise entered into an Community Reinvestment Area agreement, aiding Enterprise with a 12-year, 50 percent real estate tax abatement on improved property value in return for (1) investing \$700,000 in rehabilitating an approximate 10,800 square foot building at 115 N. Grant Street, Wooster, OH 44691, also known as Wayne County, Ohio Parcel 64-000994.000 (re-plat from parcels 64-00992.000 and 64-00994.000,); and (2) use its best efforts to create 10 full-time jobs at the location with a combined annual payroll of \$210,000, as authorized by ordinance 2011-11.
2. CM Properties-Wooster LLC completed its project as planned, established a retail store in downtown Wooster, and has enjoyed a total property tax savings of \$18,457 through the CRA program since 2012, or approximately \$1,823 annually.
3. The 2020 Wooster City Tax Incentive Review Council (TIRC) recommended a modification of the City's CRA agreement with Enterprise with a recommendation that the job and payroll commitments be lowered to five full-time jobs or equivalents with a combined payroll of \$140,000, in reflection of the actual performance observed over the past few years, the scope of the project, and the amount of exemption in relation to program minimums.
4. The City of Wooster's Community Reinvestment Area program requires a minimum commitment of maintaining two full-time jobs at a project site.
5. Wooster City Council passed Ordinance No. 2021-X on December 18, 2017, accepting the recommendation of the TIRC that the CRA Agreement be modified.
6. Wooster City Council, by the adoption of Ordinance No. 2022-\_\_\_, adopted on \_\_\_\_\_, 2022, has authorized the Mayor to modify the CRA to a job creation commitment of four full-time jobs or equivalents with a minimum payroll of \$140,000.

In consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from executing this agreement, the parties agree as follows:

*Continued on following page . . .*

  
Initial / Date

**Section 1:** This agreement serves as an amendment to the language of Section 2 of the original CRA agreement. The entirety of Section 2 is replaced with the following language:

Section 2: Enterprise shall retain the equivalent of five full-time permanent jobs. The retention of the number of employees will result in approximately (\$140,000) One Hundred And Forty Thousand Dollars of annual payroll for Enterprise and/or its partners. The aforementioned amount will be entirely attributable employment at the project site.

**Section 2.** In order to ensure compliance with Ohio Revised Code 5709.633, Enterprise shall obtain written permission from the City of Wooster, and if applicable a waiver from the Ohio Development Services Agency, in advance of allowing any existing jobs to relocate to the project site from one Ohio location to another while the facility remains under exemption. Relocation applies to employment levels, and is deemed to occur when the relocation of a job results from one Ohio location to the project site results in a permanent decrease in employment at the former.

**Section 3:** Enterprise agrees to indemnify and hold harmless City from all lawful claims, judgements, penalties, attorneys' and consultants' fees, and/or liabilities arising out of, involving, or in connection with this Community Reinvestment Area Agreement and/or this amendment.

**Section 4:** All other terms of the Agreement dated May 5, 2011 shall remain the same.

**IN WITNESS WHEREOF**, the City of Wooster, Ohio, by Robert F. Breneman, its Mayor, pursuant to Ordinance No. 2022-\_\_\_, has caused this instrument to be executed this \_\_\_ day of \_\_\_\_\_ 2022; and CM Properties-Wooster LLC by Dan Marshall, its Member, has caused this instrument to be executed on this \_\_\_ day of \_\_\_\_\_ 2022.

**WITNESS:**

**CITY OF WOOSTER, OHIO**

by \_\_\_\_\_  
Robert F. Breneman  
Mayor

**CM PROPERTIES-WOOSTER LLC**

by \_\_\_\_\_  
Dan Marshall  
Member

*Approved as to form:*

\_\_\_\_\_  
John Scavelli, Attorney at Law  
538 N. Market Street  
Wooster, Ohio 44691  
Tel. 330-263-5248 / Fax 330-263-5247



**CRA**  
#169-86548-01

CRA# 169-86548-01  
CM Properties-Wooster LLC  
115 N. Grant St, Wooster, Ohio 44691  
Parcels: 64-00994.000

Agreement 11-001

Execution: 12/31/2011

Expiration: 12/31/2023

Incentive: 12-Year, 50 Percent Real / Personal Property

School District: Wooster City School District

**Status**  
Missed  
Targets

**AMENDMENT  
NECESSARY**

Nov. 17, 2021



Commitment:	2008 Pay		2009 Pay		2010 Pay		2011 Pay		2012 Pay		2013 Pay		2014 Pay		2015 Pay		2016 Pay		2017 Pay		2018 Pay		2019 Pay		2020 Pay		2021 Pay		2022 Est*		Project Totals	
	2009	2010	2010	2011	2011	2012	2012	2013	2013	2014	2014	2015	2015	2016	2016	2017	2017	2018	2018	2019	2019	2020	2020	2021	2021	2022	2022	2021	2021	2022	2022	
Property:	\$700,000	-	-	-	-	-	-	\$503,000	\$503,000	\$503,000	\$503,000	\$503,000	\$503,000	\$503,000	\$503,000	\$503,000	\$503,000	\$503,000	\$503,000	\$503,000	\$503,000	\$503,000	\$503,000	\$503,000	\$503,000	\$503,000	\$503,000	\$503,000	\$503,000	\$503,000	\$503,000	
Exemption:	\$350,000	-	-	-	-	-	-	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	
Personal:	\$0	-	-	-	-	-	-	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Total Jobs:	10	-	-	-	-	-	-	9	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	5	
Total Payroll:	\$210,000	-	-	-	-	-	-	\$104,000	\$180,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$141,000	
New Jobs:	10	-	-	-	-	-	-	9	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	5	
New Payroll:	\$210,000	-	-	-	-	-	-	\$104,000	\$180,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000	\$141,000	
Saved Jobs:	0	-	-	-	-	-	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Saved Payroll	\$0	-	-	-	-	-	-	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	

**Previous Compliance**

The TIRC last reviewed this CRA agreement on November 29, 2021, when it recommended a modification of the agreement reflecting historic performance, which was approved by Wooster City Council.

**Summary**

Total of 8 staff at end of year, 5.3 full-time equivalents. This project has provided space for Family Dollar, a discount retail store serving Downtown. The project enabled the reinvestment in an older building while employing non-traditional and quality retail aesthetics that complimented the downtown. CRA was sought to help cover the cost of additional expenses related to architectural enhancements to better weave the appearance of the project into Downtown's historic landscape. Note, previous numbers (marked with \*) reported in earlier years reflect the employer's total estimated employees without differentiation from part time or full time. Staff coordinated with the employer to correct the issue in 2018, and since that time actual employment generated significantly lower payrolls than anticipated over the past few years. The TIRC previously recommended a modification of the agreement as data advises payroll and employment figures have been under 75% of the state commitments for three years. The State minimum for employment is 2 full-time jobs (\$35,568 minimum payroll assuming minimum wage). Due to the firm's ongoing investment in Wooster, the fact that the firm successfully performed the rehabilitation according to its scope, and the low benefit-to-cost ratio for the community, the Wooster TIRC recommended a modification to Wooster City Council, which accepted the recommendation. An agreement remains pending at the time of publication. While an agreement to modify has since been signed by the businesses, it has not been as of yet effected and therefore staff recommends modification again for this reporting year.

ORDINANCE NO. 2022-20

AN ORDINANCE AMENDING ORDINANCE NO. 2010-24 BY  
AUTHORIZING THE MAYOR AFFIRM AUTHORIZATION OF  
CRA EXEMPTION TO RESIDENTIAL UNITS AT PROJECT  
SITE, AND ALLOWING FOR IMMEDIATE ENACTMENT

WHEREAS, this City Council, in Ordinance No. 2010-24, authorized the Mayor to enter an agreement with Merchants Block LLC for Community Reinvestment Area Tax Incentives, including a capital investment of up to \$7,330,000.00 for the new construction of a three-story combined commercial/residential facility on the former Freedlander's site (125 W. Liberty Street) with the commitment of creating at least two full-time jobs, with an exemption of 100% of real estate taxes for twelve (12) years; and

WHEREAS, Merchant Block LLC, previously obtained approval of this Council to transfer its Community Reinvestment Area (CRA) Agreement, with all of its rights and responsibilities, to Ed Howman, an individual, by adoption of Ordinance No. 2016-35; and

WHEREAS, the Wayne County Auditor's Office recommended on March 2, 2022 that express written permission of assignment was necessary for certain residential units, as said units are owned fee-simply by entities other than Enterprise, as contemplated in ¶1 of the CRA, but not expressly defined as assignable within ¶16 of the CRA.

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

SECTION 1. Ordinance No. 2010-24, as amended by 2016-35, is modified to provide that the Mayor, on behalf of the City of Wooster, is additionally authorized to enter into an *amended* agreement with Ed Howman LLC to provide for 1) the ongoing transfer of the single-family residential portions of the Project Site through the duration of the exemption period, inclusive of parcels 64-01687.004, 64-01687.003, 64-01687.002, 64-01687.001, 64-00528.009, 64-00528.008, 64-00528.007, 64-00528.006, 64-00528.005, 64-00528.004, 64-00528.003, 64-00528.002, with Enterprise maintaining responsibility for maintaining the investment made at the Project Site and for any penalty, up to and including clawback penalties, resulting from noncompliance, regardless of fee-simple ownership; and 2) such other terms as they Mayor, in his discretion, deems appropriate.

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





OKD  
2022-20

### Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division <b>Development</b>	Meeting Date Requested <b>September 6th, 2022</b>
Project Name <b>Partial Assign. of CRA 10-002</b>	Estimated Total Funds/Costs <b>\$0</b>
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? <b>N/A - Authorization to enter into an agreement with Ed Howman to modify CRA 10-002.</b>	
<b>Description of Request</b> Authorization for the Mayor to modify the City's existing 10-002 Community Reinvestment Area (CRA) agreement with Ed Howman, an individual, to allow a transfer of ownership and exemption for the residential units only located within the exempted structure. This CRA successfully supported the creation of a new mixed-use three story building, "Merchants Block" spanning 117- 147 W. Liberty and 101 - 139 N. Walnut in downtown Wooster. As of 2021, the agreement has exceeded its job commitment goals and met its original investment commitments, with the project supporting 12 residential units and several small businesses with 16 full-time equivalent jobs created. Wayne County Auditor's Office recommended that express written permission of assignment is necessary for the residential units, as these units are owned fee-simple by entities other than the Enterprise (Mr. Howman), because the exemption was not expressly defined as assignable within ¶16 of the actual CRA as signed, though contemplated in ¶1 of the original agreement.	
<b>Justification / Benefits</b> Staff recommends the proposal as it is 1. in keeping with the original intent of the project, 2.) does not change the level or durations of the actual exemption, 3. and the Enterprise (Ed Howman) will remain responsible for maintaining the investment made at the Project Site, and for any penalty, up to and including clawback penalties, resulting from any future noncompliance, regardless of fee-simple ownership.	
<b>Will this Project affect the City's Operating Costs</b> No direct cost impact anticipated, would improve efficiency of tax exemption portfolio management.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> Without action, condominium owners would no longer receive tax exemption, contrary to the intent of the current agreement.	
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 Suspension preferred as this request is otherwise usual and ordinary.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
Manager Requesting: <b>Jonathan Millea</b>	Date: <b>7/25/2022</b>

Approved for Agenda  Yes  No



Robert F. Breneman, Mayor

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

Jonathan S. Millea, AICP, CEcD  
Development Coordinator  
Phone (330) 263-5250  
Fax: (330) 263-5247  
Email: jmillea@woosteroh.com

5 August, 2022

Mr. Gabe Tudor - Superintendent  
c/o Board of Education  
Wooster City School District  
144 North Market St.  
Wooster, Ohio 44691

**Regarding: NOTICE of MODIFICATION of CRA 10-002 Agreement with Ed Howman (aka Merchants Block): Assignment Authorization for Residences ONLY, No Action Required**

Dear Mr. Tudor,

This letter is to notify the Wooster City School District Center Board of Education that the City of Wooster intends to consider **modifying** its existing 10-002 Community Reinvestment Area (CRA) agreement with **Ed Howman, an individual** (previously, this same agreement had been made with **Merchants Block LLC**), to allow a transfer of ownership and exemption for the residential units only located within the exempted structure. This agreement granted a **100%, 12-year** CRA tax exemption signature to support the creation of a new mixed-use three story building spanning 117- 147 W. Liberty and 101 - 139 N. Walnut in downtown Wooster. The City of Wooster also provided project financing, conducted site preparation and installed new streetscape and a public parking lot, and partnered with the government of Wayne County to utilized CDBG grant funds for additional public infrastructure.

The Wooster City School District Board of Education had previously met at a special session on August 17, 2010 to approve the real property tax exemption. As the project progressed, the residential units were ultimately established as single-family residential condominiums, reflected in the final agreement, and later sold to individual homebuyers.

To date, the agreement has *exceeded* its job commitment goals and met its original investment commitments, with the project supporting 12 residential units and several small businesses with 16 full-time equivalent jobs created. However, in March, the Wayne County Auditor's Office recommended to our Office that express written permission of assignment was necessary for the residential units, as these units are owned fee-simple by entities other than the Enterprise (Mr. Howman), because the exemption was not expressly defined as assignable within ¶16 of the actual CRA as signed, though contemplated in ¶1.

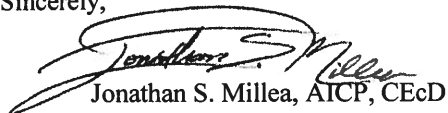
To correct this, Wooster City Council will consider legislation to adopt this proposal of transferring the existing CRA 10-002 agreement at its regular meeting on **Tuesday, September 6th 2022 at 7:30 pm**. Staff recommends the proposal as it is **1.** in keeping with the original intent of the project, **2.) does not change the level or durations of the actual exemption**, **3.** and the Enterprise (Ed Howman) will remain responsible for maintaining the investment made at the Project Site, and for any penalty, up to and including clawback penalties, resulting from any future noncompliance, **regardless** of fee-simple ownership.

The correction is only to confirm that the condominium units are permitted continue receiving CRA treatment as they have previously. In 2021, the CRA had exempted **\$108,419** in real property taxes to support the project, a figure approximating what the community expect to earn annually once the agreement closes on **December 31, 2024**.

**No action is needed** from the Wooster City School District Board of Education, but we do welcome any questions or comments. As always, you or a designated representative are welcome to request a meeting with Wooster City Council to discuss the proposed transfer.

Please let us know if we may provide any additional information or answer any questions about the management of the Community Reinvestment Area Program. As always, we are happy to speak with you if you wish to discuss this matter in more detail. Our office may be reached at 330.263.5250. Thank you.

Sincerely,



Jonathan S. Millea, AICP, CEcD

Cc: Ms. Amy Welty, WCSD Treasurer

## **MODIFICATION OF COMMUNITY REINVESTMENT AREA AGREEMENT WITH ASSIGNMENTS**

**THIS SECOND MODIFICATION OF COMMUNITY REINVESTMENT AREA AGREEMENT**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2022 by and between Mr. Edward D. Howman, an Ohio citizen, whose main office is located at 1409 Hunt Club Dr., Wooster, Ohio 44691 (hereinafter referred to as “Enterprise”), and the City of Wooster, a municipal corporation of Ohio, with its main offices located at 538 N. Market Street, Wooster, Ohio 44691 (hereinafter referred to as “City”).

### **WITNESSETH**

**WHEREAS**, City entered into a certain Community Reinvestment Area Agreement (hereinafter referred to as “CRA”) with Merchants Block LLC dated December 21, 2010, by which the City agreed to grant certain tax incentives as an inducement (1) renovate a certain property located at 125 W. Liberty Street in Wooster and construct a mixed-use structure with first-floor commercial space and upper-floor residential space (Today comprising of Parcels 64-00528.002, 64-00528.003, 64-00528.004, 64-00528.005, 64-00528.006, 64-00528.007, 64-00528.008, 64-00528.009, 64-00528.010, 64-00528.011, 64-00528.012, 64-00528.013, 64-00528.014, 64-00528.015, 64-00528.016, 64-00528.017, 64-01687.001, 64-01687.002, 64-01687.003, 64-01687.004, 64-01687.005, 64-01687.006, 64-01687.007, 64-01687.008, 64-01687.009, and 64-01687.000, together the “Project Site”); and (2) create certain levels of employment in connection therewith; with such tax incentives to continue for a period of twelve (12) years (a copy of said CRA is attached hereto and incorporated herein by reference); and

**WHEREAS**, Wooster City Council, by the adoption of Ordinance No. 2016-35, adopted on December 5, 2016, consented to the assignment of the CRA from Merchants Block LLC to Enterprise, in accordance with ¶16 of the CRA; and

**WHEREAS**, the Wayne County Auditor’s Office recommended on March 2, 2022 that express written permission of assignment was necessary for certain residential units, as said units are owned fee-simple by entities other than Enterprise, as contemplated in ¶1 of the CRA, but not expressly defined as assignable within ¶16 of the CRA; and

**NOW, THEREFORE**, in consideration of the foregoing, and of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties hereto agree as follows:

**SECTION 1.** City consents to the transfer of fee-simple ownership of the following single-family residential portions of the Project Site through the duration of the exemption period, with this amendment serving as written approval of City of assignment: 64-01687.004 (123 N. Walnut St., Wooster, Ohio 44691. Howman Edward), 64-01687.003 (121 N. Walnut St., Wooster, Ohio 44691. Howman Edward), 64-01687.002 (119 N. Walnut St., Wooster, Ohio 44691. Zanny Joan D), 64-01687.001 (117 N. Walnut St., Wooster, Ohio 44691. Howman Edward), 64-00528.009 (115 N. Walnut St., Wooster, Ohio 44691. Condor Pacific Properties LLC), 64-00528.008 (113 N. Walnut St., Wooster, Ohio 44691. Unit R 113 LLC), 64-00528.007 (111 N. Walnut St., Wooster, Ohio 44691. Howman Edward), 64-00528.006 (109 N. Walnut St., Wooster, Ohio 44691. Styer Donald J II & Stacey A Miller S/T), 64-00528.005 (107 N. Walnut

St., Wooster, Ohio 44691. Matthew Steven Clay), 64-00528.004 (105 N. Walnut St., Wooster, Ohio 44691. Schneider Teresa A), 64-00528.003 (103 N. Walnut St., Wooster, Ohio 44691. Howman Edward), 64-00528.002 (101 N. Walnut St., Wooster, Ohio 44691. Howman Edward). The City reserves the right to modify, terminate, and claw-back upon tax exemption for any and all property within Project Site for noncompliance with the City of Wooster Building Code or City of Wooster Zoning Code, in accordance with ¶9 of the CRA. City shall file a Notice of CRA Tax Exemption Agreement on the aforementioned parcels with the Wayne County Recorders Office and invoice Enterprise for any costs incurred. This provision does not apply to any other parcel comprising the Project Site, which shall comply with ¶16 of the CRA.

**SECTION 2.** Enterprise agrees that it remains responsible for maintaining the investment made at the Project Site, and for any penalty, up to and including clawback penalties, resulting from noncompliance, regardless of fee-simple ownership.

**SECTION 3.** Enterprise acknowledges Ohio Revised Code 5709.633 prohibits relocation of existing jobs from any other Ohio location to the Project Site without prior written consent from the Ohio Department of Development. This provision does not apply to existing Ohio jobs which are relocated and then replaced within the affected location. Enterprise must coordinate with City at least 60 days prior to any job relocation to obtain necessary waivers from Ohio Department of Development, which are not guaranteed, or written approval through City's legislative authority, which is not guaranteed.

**SECTION 4.** Enterprise agrees to indemnify and hold harmless City from all lawful claims, judgements, penalties, attorneys' and consultants' fees, and/or liabilities arising out of, involving, or in connection with this Enterprise Zone Agreement and/or this amendment.

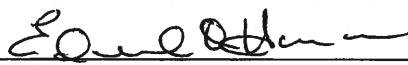
**SECTION 5.** All other terms of the Agreement dated December 21, 2010, as amended December 30, 2016, shall remain the same.

**IN WITNESS WHEREOF**, the City of Wooster, Ohio, by Robert F. Breneman, its Mayor, pursuant to Ordinance No. 2022-\_\_\_\_\_, has caused this instrument to be executed this \_\_\_\_ day of \_\_\_\_\_ 2022 and Edward D. Howman, a sole proprietor, has caused this instrument to be executed on this \_\_\_\_ day of \_\_\_\_\_ 2022.

**CITY OF WOOSTER, OHIO**

by \_\_\_\_\_  
Robert F. Breneman  
Mayor

**MR. EDWARD D. HOWMAN**

by   
Edward D. Howman  
Sole Proprietor

Approved as to form: \_\_\_\_\_  
John Scavelli, Attorney at Law  
538 N. Market Street  
Wooster, Ohio 44691  
Tel. 330-263-5248 / Fax 330-263-5247





**CRA**  
#169-86548-01

CRA#: 169-86548-01  
Ed Howman (Transferred from Merchants Block LLC in 2016)  
117- 147 W. Liberty and 101 - 139 N. Walnut  
Parcels: Multiple - 64-01687 and 64-00528 Series  
Agreement 10-002

**Status**  
Transfer  
Required

Execution: 12/21/2010  
Expiration: 12/31/2024

**Incentive: 12-Year, 100 Percent Real / Personal Property**

School District: Wooster City School District

July 6, 2022



	2008 Pay		2009 Pay		2010 Pay		2011 Pay		2012 Pay		2013 Pay		2014 Pay		2015 Pay		2016 Pay		2017 Pay		2018 Pay		2019 Pay		2020 Pay		2021 Pay		2022 Pay*		Project Totals	
	2009	2010	2010	2011	2011	2012	2012	2013	2013	2014	2014	2015	2015	2016	2016	2017	2017	2018	2018	2019	2019	2020	2020	2021	2021	2022	2022	2022	2022	2022	2022	
Commitment:																																
Property:	\$6,020,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Exemption:	\$6,020,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Personal:	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Jobs:	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Payroll:	\$92,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New Jobs:	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New Payroll:	\$92,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Saved Jobs:	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Saved Payroll:	\$0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

**Previous Compliance**

The Tax Incentive Review Council last reviewed this CRA agreement on November 29, 2021, when it recommended the continuation of the agreement, which was approved by Wooster City Council.

**Summary**

Merchants Block, a historic redevelopment project in Downtown undertaken by Washington Properties, finished construction in 2013 on the former site of the Freedlander's Department Store, bringing 10,000 square feet of retail space and 12 new residential condominiums (retailing ~275K in 2019). Through 2020, the space supported Jimmy Johns, Basil Asian Bistro, Motts Oils, Welcome Home Realty. Most recently, the space welcomed Whippet Dalgona Coffee and Boba Bowl. Parcels: 64-01687.000, 64-01687.001, 64-01687.002, 64-01687.003, 64-01687.004, 64-01687.005, 64-01687.006, 64-01687.007, 64-01687.008, 64-01687.009, 64-00528.002, 64-00528.003, 64-00528.004, 64-00528.005, 64-00528.006, 64-00528.007, 64-00528.008, 64-00528.009, 64-00528.010, 64-00528.011, 64-00528.012, 64-00528.013, 64-00528.014, 64-00528.015, 64-00528.016, 64-00528.017. The site and CRA transferred to a new owner, Ed Howman, from the original developer, Merchants Block LLC, in 2016. The project continued to exceed commitments in 2021. In 2022, the Wayne County Auditor's Office advised that written approval was necessary to continue accommodating residential units (which have transferred but remain subject to an HOA) with CRA treatment. Staff recommends a modification to permit extension of CRA treatment to retain responsibility for all maintenance and employment requirements.

ORDINANCE NO. 2022-21

AN ORDINANCE AMENDING ORDINANCE NO. 2014-18 BY AUTHORIZING THE MAYOR TO JOIN GRAM HOLDINGS LLC TO THE COMMUNITY REINVESTMENT AREA AGREEMENT WITH EKHO KOLE, ALLOW TENANTS AS PARTY TO AGREEMENT, AND TO AFFIRM AUTHORIZATION OF CRA EXEMPTION TO RESIDENTIAL UNITS AT THE PROJECT SITE, AND ALLOWING FOR IMMEDIATE ENACTMENT

WHEREAS, this City Council, in Ordinance No. 2014-18, authorized the Mayor to enter an agreement with Ekho Kole LLC for Community Reinvestment Area Tax Incentives, including a capital investment of \$700,000.00 for the rehabilitation of 120 E. Liberty Street (parcel 64-00190.000), and 124 E. Liberty Street (parcels 64-00189.000 and 64-00187.000) with the commitment of retaining 18.5 full-time job equivalents and creating at least two full-time jobs, with an exemption of 100% of real estate taxes for ten (10) years; and

WHEREAS, as contemplated in the original application and agreement, Ekho Kole LLC established condominiums and has now since transferred these units to new owners; and

WHEREAS, the Wayne County Auditor's Office recommended on March 1, 2022 that express written permission of assignment was necessary for certain residential units, as said units are owned fee-simply by entities other than Enterprise, as contemplated in ¶1 of the CRA, but not expressly defined as assignable within ¶16 of the CRA, and that express written permission of assignment was necessary for certain commercial units to the employer company originally referenced in the application, which was not expressly defined as assignable within ¶16 of the CRA; and

WHEREAS, the City of Wooster is responsible for ensuring compliance with Ohio Revised Code 5709.632 and Ohio Revised Code 5709.688, including ensuring the prohibition of non-waivered employment relocation from other Ohio locations to tax-exempted project sites in addition to ensuring project sites maintain two minimum full-time jobs.

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

SECTION 1. Ordinance No. 2014-18 is modified to provide that the Mayor, on behalf of the City of Wooster, is additionally authorized to enter into an *amended* agreement with Ekho Kole LLC and Gram Holdings LLC to provide for 1) the ongoing transfer of the single-family residential portions of the Project Site through the duration of the exemption period, inclusive of parcels 64-00187.003, 64-00187.004, 64-00187.005, 64-00187.006, 64-00187.007, and 64-00187.008, with Enterprise maintaining responsibility for maintaining the investment made at the Project Site and for any penalty, up to and including clawback penalties, resulting from noncompliance, regardless of fee-simple ownership; 2) the joinder of Gram Holdings LLC as a co-Enterprise with co-equal obligations to Enterprise; 3) the authorization of Weaver Custom Homes Inc. and Fingerprint Homes LLC with jobs and payroll at Project Site to be credited toward Enterprise's commitments, and 4) such other terms as they Mayor, in his discretion, deems appropriate.

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



OND  
2022-21

### Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division <b>Development</b>	Meeting Date Requested <b>September 6th, 2022</b>
Project Name <b>Modification of CRA 14-002</b>	Estimated Total Funds/Costs <b>\$0</b>
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? <b>N/A - Authorization to enter into an agreement with Ekho Kole LLC to modify CRA 16-002.</b>	
<b>Description of Request</b> Authorization for the Mayor to modify the City's existing 14-002 Community Reinvestment Area (CRA) agreement that re-built the once partially-empty 120 E. Liberty Street Building, with Ekho Kole LLC "Enterprise" by: <ol style="list-style-type: none"> <li>1. Authorizing Gram Holdings LLC as a co-Enterprise on the agreement (affiliated with Weaver Custom Homes), co-equally with Ekho Kole LLC being responsible for maintaining the site.</li> <li>2. Formalizing Weaver Custom Homes Inc. and Fingerprint Homes LLC as Tenants in the agreement,</li> <li>3. Authorize the ongoing transfer of six condominium residential units.</li> </ol> As contemplated in the original agreement exhibits, condominiums were established, and now recognition of an assignment to new owners is required. Lastly, the commercial units of the Project site additionally need to be transferred to a Co-Enterprise responsible for securing the project investment, and the agreement must formally recognize two tenants, with credit to Enterprise for job and payrolls.	
<b>Justification / Benefits</b> Staff recommends the proposal as it 1.) supports original intent of the project and Enterprise performed the project within the stated scope, 2.) assignments to residences were always intended and now necessary, and 3.) formalizes tenants as was presented in the original application, and 4.) Project has increased employment and valuation at the downtown project site and surrounding sites.	
<b>Will this Project affect the City's Operating Costs</b> Amendment involves affirming a real estate tax exemption.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> Residential assignments required. Commercial assignment necessary for exemption.	
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 Suspension preferred as this request is otherwise usual and ordinary.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting: Jonathan Millea</b>	<b>Date: 8/19/2022</b>

Approved for Agenda  Yes  No

**MODIFICATION OF COMMUNITY REINVESTMENT AREA  
AGREEMENT WITH JOINDERS AND ASSIGNMENTS**

**THIS FIRST MODIFICATION OF COMMUNITY REINVESTMENT AREA AGREEMENT** (hereinafter referred to as "Amendment") made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between Ekho Kole LLC, an Ohio limited liability company with its main offices located at 13616 Dover Rd, Apple Creek, Ohio 44601 (hereinafter referred to as "Enterprise"), the City of Wooster, a municipal corporation of Ohio, with its main offices located at 538 N. Market Street, Wooster, Ohio 44691 (hereinafter referred to as "City"), Gram Holdings LLC, an Ohio limited liability company with its main offices located at 124-A E. Liberty Street, Wooster, Ohio (hereinafter referred to as "Co-Enterprise"), the City of Wooster, a municipal corporation of Ohio, with its main offices located at 538 N. Market Street, Wooster, Ohio 44691, and Weaver Custom Homes Inc, an Ohio Corporation For Profit, with its main offices located at 124-A E. Liberty Street, Wooster, Ohio (hereinafter referred to as "Tenant 1") and Fingerprint Homes LLC, an Ohio Corporation For Profit, with its main offices located at 120-A E. Liberty Street, Wooster, Ohio (hereinafter referred to as "Tenant 2").

**WITNESSETH**

**WHEREAS**, by adoption of Ordinance 2014-18, City entered into a certain Community Reinvestment Area Agreement (hereinafter referred to as "CRA", and also referenced by the Ohio Department of Development as #14-003) with Enterprise dated June 16, 2014, by which the City agreed to grant Ekho Kole LLC certain tax incentives as an inducement to (1) rehabilitate two properties, known as 120 E. Liberty Street and parcel 64-00190.000, and 124 E. Liberty Street and parcels 64-00189.000 and 64-00187.000 (with clarification that parcel "60-00187.000" is 64-00187.000 as presented in the exhibit of the original agreement. And additionally, today, these three parcels having been replatted into the following parcels: 64-00187.001, 64-00187.002, 64-00187.003, 64-00187.004, 64-00187.005, 64-00187.006, 64-00187.007, 64-00187.008) comprising together the "Project Site", so as to provide revitalize office and retail space to accommodate two businesses, in addition to the development of residential space (hereinafter referred to as the "Project"); and (2) retain 18 full-time jobs and one part-time job in addition to creating two full-time jobs in the City of Wooster; with such tax incentives to continue for a period of ten (10) years; and

**WHEREAS**, as of December 31, 2021, Enterprise, with Co-Enterprise and Tenant, had retained 18 full-time jobs and one part-time job in addition to creating five full-time jobs in the City of Wooster, in excess of the original job commitments outlined in the CRA; and

**WHEREAS**, Gram Holdings LLC, a real estate holding company associated with Weaver Custom Homes Inc., came to own the Project's two first-floor commercial units, known as Wayne County parcels 64-00187.002 (124 E. Liberty Street [C-124A], Wooster, Ohio 44691) and 64-00187.001 (120 E. Liberty Street [C-120A], Wooster, Ohio 44691), and formal approval of assignment is necessary to maintain compliance ¶16 of the CRA; and

**WHEREAS**, the Wayne County Auditor's Office recommended on March 1, 2022 that express written permission of assignment was necessary for certain residential units, as said units are owned fee-simple by entities other than Enterprise, as contemplated in ¶1 of the CRA, but not expressly defined as assignable within ¶16 of the CRA; and



**WHEREAS**, it is necessary for City to properly meet its obligations to the State of Ohio by formalizing Co-Enterprise and Tenant as parties to the CRA; and

**NOW, THEREFORE**, in consideration of the foregoing, and of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties hereto agree as follows:

**Section 1:** Co-Enterprise (Gram Holdings LLC) agrees that upon execution of this Amendment that it shall become a party to the CRA Agreement as “Enterprise” and agrees to assume equally with Enterprise (Ekho Kole LLC) all of Enterprise’s responsibilities and obligations of the original Community Reinvestment Area Agreement dated June 16, 2014, as modified by this Amendment.

**Section 2.** City consents to the transfer of fee-simple ownership of the following single-family residential portions of the Project Site through the duration of the exemption period, with this amendment serving as written approval of City of assignment: 64-00187.003 (120 E. Liberty Street [R-120B], Wooster, Ohio 44691. Hile Holdings LLC), 64-00187.004 (120 E. Liberty Street [R-120C], Wooster, Ohio 44691. Fike Bradley D & Paula M S/T), 64-00187.005 (120 E. Liberty Street [R-120D], Wooster, Ohio 44691. Nussbaum F Scott Trustee), 64-00187.006 (120 E. Liberty Street [R-124B], Wooster, Ohio 44691. Hile Holdings LLC), 64-00187.007 (120 E. Liberty Street [R-124C], Wooster, Ohio 44691. Rooney Daniel J & Yvette M S/T), 64-00187.008 (120 E. Liberty Street [R-124D], Wooster, Ohio 44691. Ekho Kole LLC). The City reserves the right to modify, terminate, and claw-back upon tax exemption for any and all property within Project Site for noncompliance with the City of Wooster Building Code or City of Wooster Zoning Code, in accordance with ¶9 of the CRA. City shall file a Notice of CRA Tax Exemption Agreement on the aforementioned parcels with the Wayne County Records Office and invoice Enterprise for any costs incurred. This provision does not apply to any other parcel comprising the Project Site, which shall comply with ¶16 of the CRA.

**Section 3:** Tenant 1 and Tenant 2 are approved as tenants of the facility. Co-Enterprise and Enterprise may include Tenant 1 and Tenant 2’s created employees at its tax-exempted Project Site, and said employees will be credited toward Co-Enterprise and Enterprise’s annual job commitment requirements. Tenant 1 and Tenant 2 consent to disclosure of employment and payroll figures specific to its employment at the Project Site only.

**Section 4.** Co-Enterprise and Enterprise agree that each remains equally responsible for maintaining the investment made at the Project Site, including ensuring compliance for the properties referred to in Section 1 above in addition to any leased portion of the Project Site, and for any penalty, up to and including clawback penalties, resulting from noncompliance, regardless of fee-simple ownership.

**Section 5:** Co-Enterprise and Enterprise acknowledges Ohio Revised Code 5709.633 prohibits relocation of existing jobs from any other Ohio location to the Project Site without prior written consent from the Ohio Department of Development. This provision does not apply to existing Ohio jobs which are relocated and then replaced within the affected location. Prior to any job relocation to the Project Site, Co-Enterprise and Enterprise must coordinate with City

and the Ohio Department of Development at least 60 days in advance to obtain a waiver and written approval through City's legislative authority, which is not guaranteed.

**Section 6:** Co-Enterprise and Enterprise agree to indemnify and hold harmless City from all lawful claims, judgements, penalties, attorneys' and consultants' fees, and/or liabilities arising out of, involving, or in connection with this Community Reinvestment Area Agreement and this amendment.

**Section 7:** All other terms of the Agreement dated June 16, 2014, shall remain the same.

**IN WITNESS WHEREOF**, the City of Wooster, Ohio, by Robert F. Breneman, its Mayor, pursuant to Ordinance No. 2022-\_\_\_\_\_, has caused this instrument to be executed this \_\_\_ day of \_\_\_\_\_ 2022, and Ekho Kole LLC, by Ken Weaver, its Member, has caused this instrument to be executed on this \_\_\_ day of \_\_\_\_\_ 2022, and Gram Holdings LLC, by Merle Stutzman, its Member, has caused this instrument to be executed this \_\_\_ day of \_\_\_\_\_ 2022, and Weaver Custom Homes Inc., by Merle Stutzman, its President, has caused this instrument to be executed this \_\_\_ day of \_\_\_\_\_ 2022, and Fingerprint Homes LLC., by Merle Stutzman, its Member, has caused this instrument to be executed this \_\_\_ day of \_\_\_\_\_ 2022.

**CITY OF WOOSTER, OHIO**

by \_\_\_\_\_  
Robert F. Breneman  
Mayor

**EKHO KOLE LLC**

by \_\_\_\_\_  
Ken Weaver  
Member

**GRAM HOLDINGS LLC**

by \_\_\_\_\_  
Merle Stutzman  
Member

**FINGERPRINT HOMES LLC**

by \_\_\_\_\_  
Merle Stutzman  
Member

**WEAVER CUSTOM HOMES INC**

by \_\_\_\_\_  
Merle Stutzman  
President

Approved as to form: \_\_\_\_\_  
John Scavelli, Attorney at Law  
538 N. Market Street  
Wooster, Ohio 44691  
Tel. 330-263-5248 / Fax 330-263-5247



**CRA**  
#169-86548-01

CRA#: 169-86548-01

Ekho Kole LLC

120 & 124 E. Liberty Street, Wooster, Ohio 44691

Parcel(s): 64-00190,000, 64-00189,000 and 64-00187,000

Agreement 14-002

Execution: 06/16/2014

Expiration: 12/31/2026

Incentive: 10-Year, 100 Percent Real / Personal Property

School District: Wooster City School District

**Status**  
Transfer  
Required



Photo: July 6, 2022

	As of 12/2007	As of 12/2008	As of 12/2009	As of 12/2010	As of 12/2011	As of 12/2012	As of 12/2013	As of 12/2014	As of 12/2015	As of 12/2016	As of 12/2017	As of 12/2018	As of 12/2019	As of 12/2020	As of 12/2021
<b>Commitment:</b>															
Property:	\$700,000	-	-	-	-	-	-	\$580,611	\$850,000	\$850,000	\$850,000	\$850,000	\$850,000	\$850,000	\$850,000
Exemption:	\$700,000	-	-	-	-	-	-	\$580,611	\$850,000	\$850,000	\$850,000	\$850,000	\$850,000	\$850,000	\$850,000
Personal:	\$0	-	-	-	-	-	-	\$41,772	\$150,000	\$150,000	\$150,000	\$150,000	\$0	\$0	\$0
Total Jobs:	21	-	-	-	-	-	-	0	21	22	22	23	20	21	24
Total Payroll:	\$800,000	-	-	-	-	-	-	\$0	\$974,000	\$978,000	\$1,161,000	\$1,165,348	\$1,200,696	\$1,205,228	\$1,485,141
New Jobs:	2	-	-	-	-	-	-	0	2.5	4	4	5	2	3	5
New Payroll:	\$40,000	-	-	-	-	-	-	\$0	\$214,000	\$218,000	\$401,000	\$405,348	\$440,696	\$162,869	\$315,987
Saved Jobs:	19	-	-	-	-	-	-	0	18.5	19	19	19	19	19	19
Saved Payroll:	\$760,000	-	-	-	-	-	-	\$0	\$760,000	\$760,000	\$760,000	\$760,000	\$760,000	\$1,042,359	\$1,169,153

	2008 Pay 2009	2009 Pay 2010	2010 Pay 2011	2011 Pay 2012	2012 Pay 2013	2013 Pay 2014	2014 Pay 2015	2015 Pay 2016	2016 Pay 2017	2017 Pay 2018	2018 Pay 2019	2019 Pay 2020	2020 Pay 2021	2021 Pay 2022 Est*	Project Totals
<b>Incentive Impacts:</b>															
Real Taxes Paid	-	-	-	-	-	\$4,358	\$4,421	\$4,440	\$4,516	\$4,486	\$5,153	\$5,159	\$6,490	\$6,490	\$45,143
Real Taxes Foregone	-	-	-	-	-	-	\$0	\$0	\$44,164	\$35,939	\$41,453	\$41,538	\$41,499	\$41,499	\$243,728
Personal Taxes Paid	-	-	-	-	-	-	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Personal Taxes Foregone	-	-	-	-	-	-	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

**Previous Compliance**

TIRC last reviewed this agreement on November 29, 2021, when it recommended to CONTINUE the agreement, which was approved by Wooster City Council.

**Summary**

This project covered the renovations of 120 and 124 E. Liberty Street in Downtown Wooster, two highly visible properties that had been vacant for nearly two prior, and resting about 75 feet from Public Square. The project involved creating first-floor retail/retail-office space for Weaver Custom Homes Inc. (formerly located at 2148 Eagle Pass in Wooster) and Bird Eye Design, which together permitted Ekho Kole to commit to retaining 19 full-time jobs in the City in addition to creating two more. (At the time of application, the managing member of Ekho Kole was also a managing member of Weaver Custom Homes). The project also refurbished second and third floor spaces that had been left empty for multiple years, creating luxury residential apartments and condominiums. The Wayne County Auditor's Office advised in 2022 that written permission is required to reflect the transfer of property from Ekho Kole LLC to new commercial and residential condominium owners. **Recommendation:** Modification to allow ongoing assignment of CRA privileges to residential units and joinder of Graham Holdings LLC to the agreement.