

CITY COUNCIL AGENDA

December 5, 2022

7:30p.m.

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

I. ROLL CALL & ORDERING OF AGENDA

II. APPROVAL OF MINUTES

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Wooster Hospital Board of Governors – Request to appoint and approve members

Community Reinvestment Area Housing Commission – Request to appoint and approve members

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Finance Committee Report

Public Hearing - ORDINANCE 2022-34 Proposed Changes to Zoning Code

VI. UNFINISHED BUSINESS

1. Second Reading – ORDINANCE NO. 2022-33

AN ORDINANCE APPROPRIATING FROM VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF WOOSTER FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023, AND ALLOWING FOR IMMEDIATE ENACTMENT (Sanders)

2. Second Reading – ORDINANCE NO. 2022-34

AN ORDINANCE TO APPROVE AND ADOPT THE RECOMMENDATIONS OF THE PLANNING COMMISSION AND AMEND THE CODIFIED ORDINANCES IN ACCORDANCE WITH THOSE RECOMMENDATIONS (Reynolds)

VII. NEW BUSINESS

1. First Reading – RESOLUTION NO. 2022-56

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH THE WAYNE COUNTY COMMISSIONERS FOR THE PROSECUTION OF MUNICIPAL ORDINANCES BY THE WAYNE COUNTY PROSECUTOR AND PAYMENT FOR SUCH SERVICES, AND ALLOWING FOR IMMEDIATE ENACTMENT (Sanders)

2. First Reading – RESOLUTION NO. 2022-57

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH THE WOOSTER YMCA FOR PROFESSIONAL ADMINISTRATIVE SERVICES RELATED TO THE MANAGEMENT AND OPERATION OF THE CITY OF WOOSTER'S SWIMMING FACILITIES (Myers)

3. First Reading – RESOLUTION NO. 2022-58

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A PROFESSIONAL OR TECHNICAL SERVICES CONTRACT WITH THE WOOSTER SOCCER ASSOCIATION FOR SOCCER-RELATED ACTIVITIES SERVICES (Myers)

4. First Reading – RESOLUTION NO. 2022-59
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO CONTRACT WITH COMMUNITY ACTION OF WAYNE/MEDINA COUNTIES FOR THE PROVISION OF TRANSPORTATION SERVICES FOR QUALIFIED PARTICIPANTS (Myers)
5. First Reading – ORDINANCE NO. 2022-35
AN ORDINANCE AMENDING ORDINANCE NO. 2014-15: AUTHORIZING THE MAYOR TO INCLUDE TENANT AS A PARTY TO THE COMMUNITY REINVESTMENT AREA AGREEMENT, FOR IMMEDIATE ENACTMENT. (Sanders)
6. First Reading – ORDINANCE NO. 2022-36
AN ORDINANCE AMENDING ORDINANCE NO. 2006-26 AUTHORIZING THE MAYOR TO TRANSFER THE ENTERPRISE ZONE AGREEMENT FROM CHESTERLAND PRODUCTIONS PLL TO STARBAKER 1535 LLC AND TO INCLUDE COMPAK LLC AS A PARTY TO THE AGREEMENT FOR IMMEDIATE ENACTMENT (Sanders)
7. First Reading – ORDINANCE NO. 2022-37
AN ORDINANCE AMENDING ORDINANCE NO. 2006-42 BY AUTHORIZING THE MAYOR TO TRANSFER THE ENTERPRISE ZONE AGREEMENT FROM COMPAK INC. TO STARBAKER 1535 LLC AND TO INCLUDE COMPAK LLC AS A PARTY TO THE AGREEMENT FOR IMMEDIATE ENACTMENT (Sanders)
8. First Reading – ORDINANCE NO. 2022-38
AN ORDINANCE AMENDING ORDINANCE NO. 2018-07 BY AUTHORIZING THE MAYOR TO INCLUDE COMPAK LLC AND KITTYPOOCLUB LLC AS A PARTY TO THE AGREEMENT FOR IMMEDIATE ENACTMENT (Sanders)
9. First Reading – Resolution No. 2022-60
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR PRESS POLYMER FOR WASTE TREATMENT AND ALLOWING FOR IMMEDIATE ENACTMENT (Ansel)
10. First Reading – Resolution No. 2022-61
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT(S) WITH THE LOWEST AND BEST BIDDER(S) FOR THE PURCHASE OF CERTAIN MATERIALS FOR THE WATER TREATMENT PLANT AND ALLOWING FOR IMMEDIATE ENACTMENT (Ansel)
11. First Reading – ORDINANCE NO. 2022-39
AN ORDINANCE AMENDING CHAPTER 162, MANAGEMENT BENEFITS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO AND ALLOWING FOR IMMEDIATE ENACTMENT (Reynolds)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

Memo

To: Members of Wooster City Council

From: Mayor Bob Breneman

Date: December 5, 2022

Re: Boards and Commissions

I am requesting Council approval for renewing Mr. Packard and Dr. Reynolds terms serving on the Wooster Hospital Board of Governors. I would like Council's approval to appoint Mr. Kyle Adams, Ward 1, as a mid-term replacement for Mr. Thompson who passed away in April. Thank you for your consideration.

HOSPITAL BOARD OF GOVERNORS		Ward	Term-4 yrs.
Jerry Packard	1530 McNutt Drive	2	1/1/2023 - 12/31/2025
David Reynolds	1521 Gasche	2	1/1/2023 – 12/31/2025
Kyle Adams	220 N. Market Street	1	1/1/2021 – 12/31/2024

Memo

To: Members of Wooster City Council

From: Mayor Bob Breneman

Date: December 5, 2022

Re: Boards and Commissions

After a review of terms for the Community Reinvestment Area Housing Commission, it became apparent that we've been remiss in renewing commission members terms. The following are the members, terms and who appoints information. City council will need to approve the CRA-Appointed Resident members.

<u>CRA Housing Commission</u>	<u>Ward</u>	<u>Term-3 yrs.</u>	<u>Who Appoints</u>
Robert Reynolds	4	1/1/2022 - 12/31/2024	Mayor Appoints
Mike Buytendyk	2	1/1/2022 – 12/31/2024	Council Appoints
Craig Sanders	1	1/1/2022 – 12/31/2024	Council Appoints
Jennifer Warden	2	1/1/2023 – 12/31/2025	CRA Appointed Resident
Mark Cavin	1	1/1/2023 – 12/31/2025	CRA Appointed Resident

I am requesting City Council formally appoint their two representatives and approve the CRA Appointees.

Thank you,

Bob

ORDINANCE NO. 2022-33

AN ORDINANCE APPROPRIATING FROM VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF WOOSTER FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023, AND ALLOWING FOR IMMEDIATE ENACTMENT

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

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

SECTION 1. To provide for the current expenses and other expenditures of the City of Wooster for the Fiscal Year ending December 31, 2023, the following appropriations (detailed copy attached hereto) are hereby authorized.

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

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

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

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

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

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

SECTION 4. This Ordinance is hereby declared to be necessary to the immediate preservation of the public health, peace, safety and welfare of the City; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 11-21-22 2nd reading _____ 3rd reading _____

Passed: _____, 2022 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2022 _____
Mayor

Introduced by: Craig Sanders

ORDINANCE NO. 2022-34

AN ORDINANCE TO APPROVE AND ADOPT THE
RECOMMENDATIONS OF THE PLANNING
COMMISSION AND AMEND THE CODIFIED
ORDINANCES IN ACCORDANCE WITH THOSE
RECOMMENDATIONS

WHEREAS, the Planning Commission held a public hearing for the proposed amendments on November 3, 2022, and voted unanimously to recommend approval of the amendments to City Council; and

WHEREAS, the proposed amendments will expand allowed uses in the R-5 zoning district to allow multi-family residential uses; and

WHEREAS, A public hearing has been held in accordance with the W.C.O. 1105.03; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Wooster, Ohio:

SECTION 1. That following a public hearing the following sections are hereby amended, in accordance with the recommendations of the Planning Commission and as more fully described below and in the documents attached and incorporated into this Ordinance:

1109.03(c)(2) Dwellings, Multi-Family

- A. Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance.
- B. Vehicular entrances to the multi-family development shall be minimized and designed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any adjacent residential neighborhood.
- C. Multi-family dwellings in the C-2 District shall meet all requirements of the R-3 District and all other sections of this code applicable to multi-family dwellings.
- D. Multi-family dwellings in the C-3 District and the R-5 District shall meet all requirements of the R-4 District and all other sections of this code applicable to multi-family dwellings.
- E. Multi-family dwellings in the C-4 District shall meet all requirements of the C-4 District and all other sections of this code applicable to multi-family dwellings. The maximum density shall be 15 units per acre.

Table 1109-1: Permitted Principle Uses shall be amended as described in the attached Exhibit A incorporated and made a part of this Ordinance.

SECTION 2. The complete text of the sections of the Codified Ordinances listed above are set forth in full in the documents attached to this Ordinance as Exhibit A. As provided in Section 2.19 of the Charter, notice of the proposed revision of the Codified Ordinances shall be published one time in a newspaper of general circulation in the City at least seven days prior to its final approval and no other publication thereof shall be required.

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 force from and after the earliest period allowed by law.

1st reading 11-21-22 2nd reading _____ 3rd reading _____

Passed: _____, 2022 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2022
Mayor

Introduced by: Bob Reynolds

EXHIBIT A

Proposed Text Amendment

Permitted Principal Uses

Description: Table 1109-1 includes Permitted Principal Uses in each zoning district. The table lists uses which are Permitted (P), Permitted with Standards (PS), Conditionally Use (C), or Prohibited (X). The following changes are proposed to the table:

Multi-family dwellings is proposed to be changed from a non-permitted use to a permitted use within the R-5 District. The discontinued R-5 District remains as a district to limit non-conformities associated with manufactured and mobile homes. Allowing for multi-family dwellings will provide an option for undeveloped land within the R-5 District. The permitted use will have specific standards found in Section 1109.03(c)(2).

TABLE 1109-1: PERMITTED PRINCIPAL USES																
P = Permitted		PS = Permitted with Standards					C = Conditional Use				X = Prohibited				Use-Specific Standards	
Use Type	R-1	R-2	R-T	R-3	R-4	R-5	C-1	C-2	C-3	C-4	I-1	I-2	I-3	AG		CF [1]
Agricultural Uses (No Change)																
Residential Uses																
Dwellings, Multi-Family	X	X	X	X	P	X P	X	C	C	C	X	X	X	X	X	1109.03(c)(2)

1109.03(c)(2) Dwellings, Multi-Family

- A. Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance.
- B. Vehicular entrances to the multi-family development shall be minimized and designed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any adjacent residential neighborhood.
- C. Multi-family dwellings in the C-2 District shall meet all requirements of the R-3 District and all other sections of this code applicable to multi-family dwellings.
- D. Multi-family dwellings in the C-3 District **and the R-5 District** shall meet all requirements of the R-4 District and all other sections of this code applicable to multi-family dwellings.
- E. Multi-family dwellings in the C-4 District shall meet all requirements of the C-4 District and all other sections of this code applicable to multi-family dwellings. The maximum density shall be 15 units per acre.

#3

ORD
2022-34

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Planning and Zoning	Meeting Date Requested November 21, 2022
Project Name Text Amendment, R-5 Use	Estimated Total Funds/Costs \$0.00
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded? 	
Description of Request Amending Chapter 1109 of Planning and Zoning Code to allow multi-family dwellings within the R-5 Zoning District. A full description of the proposed amendment can be found within the attached memo. The Planning Commission held a public hearing for the proposed amendment on November 3, 2022 and voted unanimously to recommend approval of the amendment to City Council. The application will also require a public hearing before City Council.	
Justification / Benefits Upon examination of the R-5 District, there are approximately 60 acres of land available for development. Amending Chapter 1109 to permit multi-family development within the R-5 District will create an option for development that is harmonious and consistent with adjacent land uses while maintaining existing code objectives.	
Will this Project affect the City's Operating Costs No	
What Alternatives Exist and what are the Implications of the Alternatives Not expanding the permitted uses within the R-5 District to include multi-family limits options for development.	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Note Reasons	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Vince Marion	Date: November 10, 2022

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



CITY OF WOOSTER

Planning and Zoning Division

538 North Market Street, Wooster, OH 44691

Phone: 330-263-5238 Fax: 330-263-5274

MEMORANDUM

DATE: November 10, 2022

TO: City Council

FROM: Vince Marion, Planning and Zoning Manager

RE: Amendments to section 1109 of the Planning and Zoning Code

It has been brought to the staff's attention that permitted uses within the R-5 zoning district are limited. Permitted uses within the R-5 zoning district include the replacement of existing manufactured or mobile homes and the addition of passive parks/open spaces. Upon examination of the R-5 District, approximately 60 acres of land is available for development. Upon these findings, an amendment was prepared to address the limited uses. The amendment seeks to be consistent with established language within the code concerning the R-5 district and present an option for development that is harmonious with adjacent uses and zoning districts. To achieve these goals, amending Chapter 1109 to permit multi-family development within the R-5 District is recommended.

Per the procedural requirements of the code, the Planning Commission unanimously voted to initiate the text amendment on October 6, 2022. The amendment was then drafted, and a public hearing was held on November 3, 2022. Following the hearing, the Planning Commission voted unanimously to recommend approval of the amendment to City Council.

Attached you will find the information and proposed text amendment presented to the Planning Commission. If you should have any questions regarding the proposed amendment, do not hesitate to contact me.

Thank you.



**PLANNING COMMISSION
APPLICATION INFORMATION SHEET**

Application Number

PC-22-23

Scheduled Meeting Date

November 3, 2022

Application Type

Zoning Amendment - Text

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

To permit multi-family development within the R-5 (Manufactured Home Park) zoning district.

Agenda Text

The City of Wooster requesting an approval recommendation from the Planning Commission to City Council for Text Amendments to Chapter 1109 (Principal Use Regulations) of the Planning and Zoning Code to allow Multi-Family Residential in a R-5 zoning district.



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

November 10, 2022

Dear Vince Marion,

At the November 3, 2022 meeting of the City of Wooster Planning Commission, a motion was made to recommend approval of application PC-22-23, The City of Wooster requesting an approval recommendation from the Planning Commission to City Council for Text Amendments to Chapter 1109 (Principal Use Regulations) of the Planning and Zoning Code to allow Multi-Family Residential in a R-5 zoning district., to City Council.

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

Please feel free to contact me at (330) 263-5238 or 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 horizontal flourish at the end.

Vince Marion
Planning and Zoning Manager



CITY OF WOOSTER

Planning and Zoning Division

538 North Market Street Wooster, OH 44691

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

October 19, 2022

DAILY RECORD

PLEASE PUBLISH October 23, 2022

The City of Wooster will hold regular meetings of the Planning Commission and Board of Building and Zoning Appeals on Thursday, November 3, 2022. The meetings will be held at City Hall, 1st floor Council Chambers, 538 North Market Street, Wooster, Ohio.

The Planning Commission will hold a public hearing for the following application at their meeting, which will begin at 6:30 pm: PC-22-23 The City of Wooster requesting an approval recommendation from the Planning Commission to City Council for Text Amendments to Chapter 1109 (Principal Use Regulations) of the Planning and Zoning Code to allow Multi-Family Residential in an R-5 zoning district.

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-22-24 Kathryn Knackstedt requesting Area Variances from Planning and Zoning Code Sections 1113.01(b)(2) and 1113.01(d)(3) to allow an accessory structure on a lot without a principal structure and in the established front yard at 916 North Grant Street in an R-2 (Single-Family Residential) zoning district. BZA-22-26 J. Douglas Drushal requesting two Use Variances from Planning and Zoning Code Section 1109.02 to allow six Attached Single-Family Dwellings for a total of twelve dwelling units and a Personal Service Establishment and an Area Variance from Planning and Zoning Code Section 1125(b)(5) to allow a parking lot within the required setback at 1007 Rebecca Street, parcel 65-01492.00 in an R-T (Traditional Residential) 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, (330) 263-5238 or 538 North Market Street, Wooster, Ohio.



CITY OF WOOSTER

Planning and Zoning Division

538 North Market Street, Wooster, OH 44691

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

MEMORANDUM

DATE: October 25, 2022

TO: Planning Commission

FROM: Vince Marion, Planning and Zoning Manager

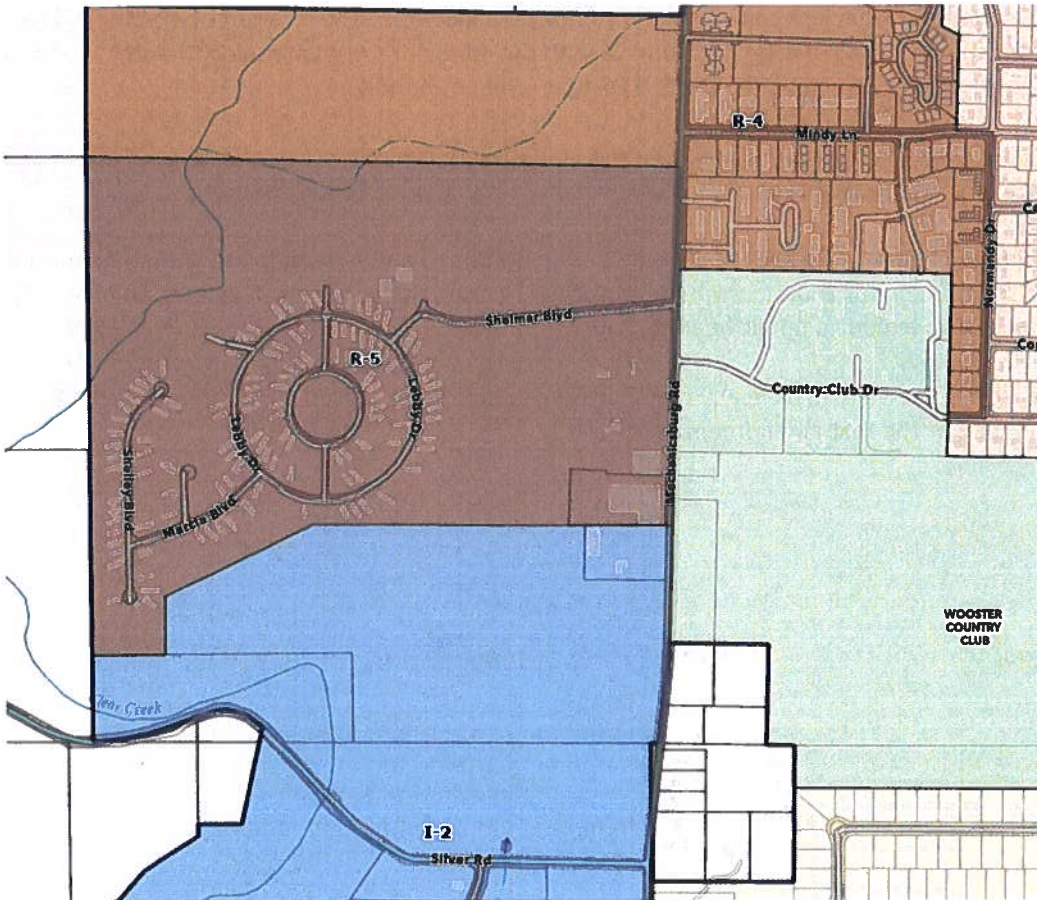
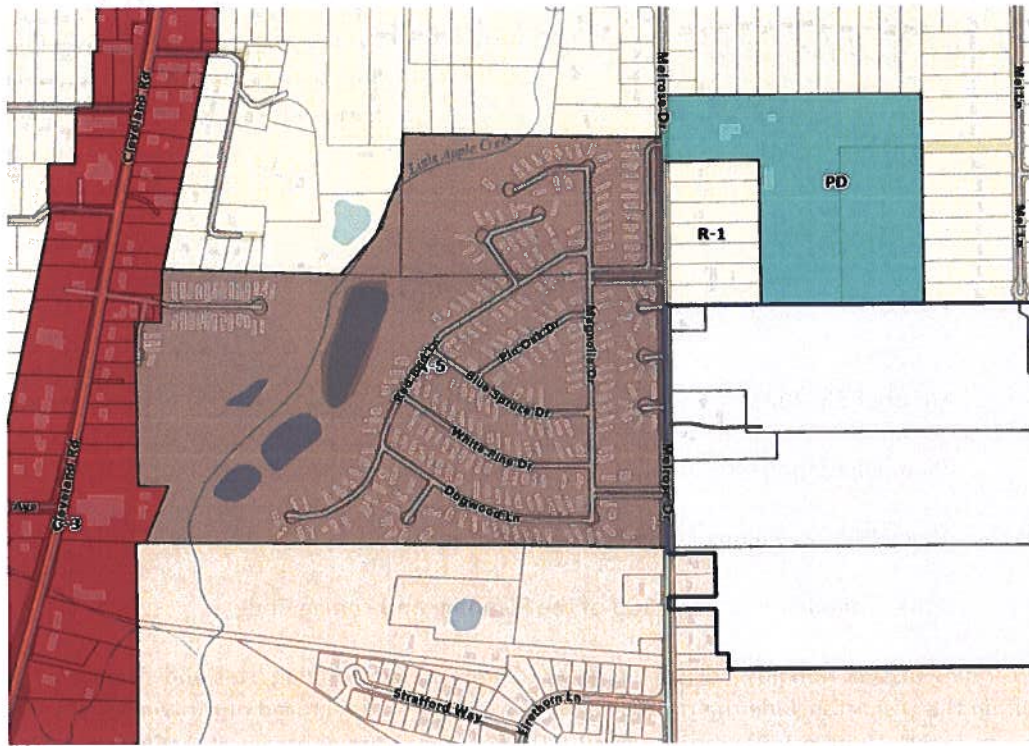
RE: Amendments to section 1109 of the Planning and Zoning Code

The R-5 zoning district remains a district in order to limit nonconforming uses and structures. Permitted uses within the District include the replacement of existing manufactured or mobile homes and the addition of parks. Upon examination of the R-5 District, there are approximately 60 acres of land available for development. Attached you will find a zoning map indicating the location of existing R-5 districts. To allow development that will be harmonious with the adjacent uses, amending Chapter 1109 to permit multi-family development within the R-5 District is recommended.

The current application before the Planning Commission is a request to recommend approval of the amendments to the City Council for approval after the required public hearing.

Following the Planning Commission's vote on the proposed amendments, the amendments and the Commission's recommendation will be forwarded to City Council for their review. To note, City Council's review will also include a public hearing.

Please let me know if you have any questions regarding the proposed amendments to the Planning and Zoning Code or the text amendment process.



Proposed Text Amendment

Permitted Principal Uses

Description: Table 1109-1 includes Permitted Principal Uses in each zoning district. The table lists uses which are Permitted (P), Permitted with Standards (PS), Conditionally Use (C), or Prohibited (X). The following changes are proposed to the table:

Multi-family dwellings is proposed to be changed from a non-permitted use to a permitted use within the R-5 District. The discontinued R-5 District remains as a district to limit non-conformities associated with manufactured and mobile homes. Allowing for multi-family dwellings will provide an option for undeveloped land within the R-5 District. The permitted use will have specific standards found in Section 1109.03(c)(2).

TABLE 1109-1: PERMITTED PRINCIPAL USES																
P = Permitted PS = Permitted with Standards C = Conditional Use X = Prohibited																
Use Type	R-1	R-2	R-T	R-3	R-4	R-5	C-1	C-2	C-3	C-4	I-1	I-2	I-3	AG	CF [1]	Use-Specific Standards
Agricultural Uses (No Change)																
Residential Uses																
Dwellings, Multi-Family	X	X	X	X	P	X P	X	C	C	C	X	X	X	X	X	1109.03(c)(2)

1109.03(c)(2) Dwellings, Multi-Family

- A. Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance.
- B. Vehicular entrances to the multi-family development shall be minimized and designed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any adjacent residential neighborhood.
- C. Multi-family dwellings in the C-2 District shall meet all requirements of the R-3 District and all other sections of this code applicable to multi-family dwellings.
- D. Multi-family dwellings in the C-3 District **and the R-5 District** shall meet all requirements of the R-4 District and all other sections of this code applicable to multi-family dwellings.
- E. Multi-family dwellings in the C-4 District shall meet all requirements of the C-4 District and all other sections of this code applicable to multi-family dwellings. The maximum density shall be 15 units per acre.

RESOLUTION NO. 2022-56

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH THE WAYNE COUNTY COMMISSIONERS FOR THE PROSECUTION OF MUNICIPAL ORDINANCES BY THE WAYNE COUNTY PROSECUTOR AND PAYMENT FOR SUCH SERVICES, AND ALLOWING FOR IMMEDIATE ENACTMENT

WHEREAS, it is necessary to provide for the prosecution of ordinance or state code violations occurring within the municipality; and

WHEREAS, the City of Wooster has, since 1976, contracted with the Wayne County Commissioners to provide such services through the office of the Wayne County Prosecuting Attorney; and

WHEREAS, this Council finds that prompt action is necessary in order to maintain the continuity of services.

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

SECTION 1. The Director of Administration is authorized to renew an agreement with the Wayne County Commissioners for the prosecution of ordinance and state code violations within the municipality.

SECTION 2. The cost of the contract will be budgeted in the Law Department Fund for FY 2023.

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

SECTION 4. This Resolution is 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 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: _____ Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2022
Mayor

Introduced by: Craig Sanders

Res.
2022-56

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division LAW	Meeting Date Requested 12/5/22
Project Name PROSECUTORS AGREEMENT	Estimated Total Funds/Costs \$91,655.16
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The contract funds will be appropriated in the 2022 budget. If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded?	
Description of Request The City and County enter an annual agreement for the County to provide prosecutor services before the Wayne County Municipal Court. This request is for a one-year agreement with a 7% increase to keep in line with labor cost increases.	
Justification / Benefits: Passing this legislation will provide continuity to the prosecutors services. The County Prosecutor provides a service that would be more expensive if the City handled its prosecutions on its own.	
Will this Project affect the City's Operating Costs NO	
What Alternatives Exist and what are the Implications of the Alternatives We could spend more to hire additional Law Department staff to perform the same functions.	
Is this a Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Explain The Circumstances: The Ohio Revised Code specifically authorizes the City to contract with the County Prosecutor for these services.	
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 Immediate enactment is necessary since the current contract expires at the end of 2022.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: John Scavelli	Date: 2-25-21 11-30-22

Approved for Agenda Yes No

RESOLUTION NO. 2022-57

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH THE WOOSTER YMCA FOR PROFESSIONAL ADMINISTRATIVE SERVICES RELATED TO THE MANAGEMENT AND OPERATION OF THE CITY OF WOOSTER'S SWIMMING FACILITIES

WHEREAS, it is necessary to provide for the operation of the City of Wooster's outdoor swimming pools and spray ground during the summer months, and the Director has determined that these facilities can be operated more efficiently by contracting with an administrative services company; and

WHEREAS, the Wooster YMCA possesses the professional expertise to provide the administrative services necessary for the management and operation of the city's swimming facilities; and

WHEREAS, this City Council has determined that prompt action is necessary to begin the process of implementing this program and the cost thereof will be included in the 2023 Appropriations Budget.

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

SECTION 1. The Director of Administration is authorized to enter into a professional administrative services contract with the Wooster YMCA for services related to the management and operation of the City of Wooster's swimming facilities for the 2023 season, in accordance with specifications on file in the office of the Director of Administration.

SECTION 2. The cost of such contract will not exceed the amount that will be budgeted.

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

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

1st Reading: _____ 2nd Reading: _____ 3rd Reading: _____

Passed: _____ Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2022
Mayor

Introduced by: Scott Myers

#1

2022-57

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Recreation	Meeting Date Requested 12/5/2022
Project Name YMCA Pool Management Contract	Estimated Total Funds/Costs \$ 189,743.00
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded?	
Description of Request The City of Wooster and YMCA of Wayne County wish to enter into a contract to manage the City of Wooster's Aquatic Facilities for the 2023 summer season. The scope of this partnership includes day to day operations, staffing, cleaning, and pool set-up of all aquatic facilities. The goal of the partnership is to reduce the expenses at all City aquatic facilities while still providing the same level of Recreational and Competitive swimming opportunities. Contract amount-\$189,743.00.	
Justification / Benefits By contracting with the YMCA, the City will save time (HR processing employees) and money (PERS). All City pass holders will be able to use their passes at the Ellen Shapiro Natatorium May 27 through December 31, 2023.	
Will this Project affect the City's Operating Costs This will reduce the City's operating cost.	
What Alternatives Exist and what are the Implications of the Alternatives No local alternative options. The City could elect to manage the pools, but at a higher financial amount.	
Is this a Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Explain The Circumstances: The YMCA of Wayne County is the only local entity qualified to provide this service.	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Note Reasons	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Ashley Hershberger	Date: October 19, 2022

RESOLUTION NO. 2022-58

A RESOLUTION AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO ENTER INTO A PROFESSIONAL OR
TECHNICAL SERVICES CONTRACT WITH THE WOOSTER SOCCER
ASSOCIATION FOR SOCCER-RELATED ACTIVITIES SERVICES

WHEREAS, the Recreation Division sponsors a year-round program of competitive sports activities, and requires the services of individuals and organizations experienced in serving as coaches and managers for the various activities; and the Wooster Soccer Association can provide such services; and

WHEREAS, this City Council has determined that prompt action is necessary to begin the process of implementing this program and the cost thereof will be included in the 2023 Appropriations Budget.

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

SECTION 1. The Director of Administration is authorized to enter into a professional or technical services contract with the Wooster Soccer Association for services for city-sponsored soccer activities.

SECTION 2. The cost of such contract will not exceed the amount that will be budgeted.

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

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

1st Reading: _____ 2nd Reading: _____ 3rd Reading: _____

Passed: _____

Vote: _____

Attest: _____

Clerk of Council

President of Council

Approved: _____, 2022

Mayor

Introduced by: Scott Myers

2022-58

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Recreation	Meeting Date Requested 12/5/2022
Project Name Contract w/Wooster Soccer Association	Estimated Total Funds/Costs \$ 70,000.00
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded?	
Description of Request The Wooster Recreation Dept. requests to enter into a contract with the Wooster Soccer Association, who will provide Referees, Coaches, Supervisors and Administration for the 2023 soccer program at the City of Wooster Soccer Complex.	
Justification / Benefits Please note that this is a budgeted O & M amount for 2023. These expenditures are funded through user fees. The budgeted expenditures are offset by budgeted revenue.	
Will this Project affect the City's Operating Costs No	
What Alternatives Exist and what are the Implications of the Alternatives The City could elect to contract individually with all all referees, coaches and supervisors, but this would result in additional time, expense and paperwork for multiple city departments.	
Is this a Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Explain The Circumstances: Due to a long standing partnership with the Wooster Soccer Association, the entity is uniquely qualified to provide this recreation service to our community.	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Note Reasons	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Ashley Hershberger	Date: October 19, 2022

RESOLUTION NO. 2022-59

A RESOLUTION AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO CONTRACT WITH COMMUNITY ACTION
OF WAYNE/MEDINA COUNTIES FOR THE PROVISION OF
TRANSPORTATION SERVICES FOR QUALIFIED PARTICIPANTS

WHEREAS, for more than ten years the municipal government has subsidized a program of transportation services for qualified participants; and

WHEREAS, the Community Action of Wayne/Medina Counties (CAW/M) has administered a program on behalf of the municipal government for transportation services for certain qualified City of Wooster residents; and

WHEREAS, this Council deems that prompt action is necessary to continue to afford this needed service to city residents; and the cost of such services is budgeted.

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

SECTION 1. The Director of Administration is authorized to contract with CAW/M for the provision of transportation services to qualified participants through the management and administration of the City's Taxi Pass Program.

SECTION 2. The cost of such contract will be included in the 2023 Appropriation budget.

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

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

1st Reading: _____ 2nd Reading: _____ 3rd Reading: _____

Passed: _____

Vote: _____

Attest: _____

Clerk of Council

President of Council

Approved: _____, 2022

Mayor

Introduced by: Scott Myers

#3
2022-59

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Recreation	Meeting Date Requested 12/5/2022
Project Name Transportation Program w/CAWM	Estimated Total Funds/Costs \$500,000.00
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED <i>for 2023</i>	
If No, How is the Purchase to be Funded? 	
Description of Request Requesting a resolution authorizing the Director of Administration to contract with Community Action of Wayne/Medina Counties (CAWM) for the provision of transportation services for qualified participants. This contract would be over \$50,000 and is a budgeted item for 2023. In an effort to promote transportation services in the City of Wooster, CAWM would remain the administrator of the Transportation pass program for the residents of the City of Wooster. The Mobility Manager, a grant funded position through the Ohio Department of Transportation (ODOT), operates through CAWM and will oversee the program, grant funding available through the proposed subsidy and partnerships with local agencies and transportation companies. The contract with CAWM would be renewed and the City of Wooster would continue to subsidize the program, being billed monthly for transportation passes, administrative fees and transportation company grants.	
Justification / Benefits The proposed contract would include subsidizing: - Passes for low income, elderly, disabled and veteran residents - Passes for low income clients of social service agencies - Passes for accessible transportation - Passes for employment and education to include day-care stops - Passes for non-profit summer learning and after school programs - Mini-grants for transportation companies that would assist in bringing vehicles up to code in addition to proper training and licensing for employees	
Will this Project affect the City's Operating Costs No	
What Alternatives Exist and what are the Implications of the Alternatives Full price transportation which is often times not affordable option for the populations that are served through this program.	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Explain The Circumstances: Community Action of Wayne/Medina holds the Mobility Manager grant through ODOT and is the overseeing organization of transportation in Wayne County.	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Note Reasons	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Ashley Hershberger	Date: 10/19/2022

Approved for Agenda Yes No

ORDINANCE NO. 2022-35

AN ORDINANCE AMENDING ORDINANCE NO. 2014-15:
AUTHORIZING THE MAYOR TO INCLUDE TENANT AS A PARTY
TO THE COMMUNITY REINVESTMENT AREA AGREEMENT, FOR
IMMEDIATE ENACTMENT.

WHEREAS, this City Council, in Ordinance No. 2014-15, authorized the Mayor to enter into an agreement with Wootown Properties LLC for Community Reinvestment Area Tax Incentives, with the commitment of creating two full-time job equivalents, with an exemption of 50% of real estate taxes for a period of ten (10) years; and

WHEREAS, a new firm, Son Apothecary LLC, has come to occupy the commercial space in place of the tenant previously described in the original application, and in order for Wootown Properties LLC to obtain credit for job and payroll commitments owing to tenant's operations, and to further demonstrate City's compliance with 5709.633, authorization of the new firm is necessary; and

WHEREAS on August 22, 2022, the City of Wooster Tax Incentive Review Council recommended modification of the agreement to include Son Apothecary LLC as a party to the agreement, and Wooster City Council accepted the recommendation of modification by adoption of Resolution 2022-30.

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

SECTION 1. Ordinance No. 2014-15 is modified to provide that the Mayor, on behalf of the City of Wooster, is authorized to enter into an *amended* agreement with Wootown Properties LLC to provide for 1.) Son Apothecary is authorized as a tenant with its job and payroll at the project site to be credited toward Wootown Properties LLC's commitments, and 2.) such other terms as the Mayor, in his discretion, deems appropriate.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council 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 prompt action is necessary in order to facilitate the maintenance of an economic development incentive project through authorizing the transfer of an agreement to new property owners as originally contemplated; 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

Request for Agenda Item

#4
 OPED
 2022-35

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Development	Meeting Date Requested December 5th, 2022
Project Name Amend CRA Agr. 14-003	Estimated Total Funds/Costs N/A
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? N/A - Authorization to AMEND a CRA agreement with Wootown Properties LLC with no exemption changes.	
Description of Request This request seeks authorization for the Mayor to enter into an amendment with Wootown Properties LLC to amend its 2014 CRA Agreement (50%, 10-Yrs) , by authorizing a new tenant at the facility, Son Apothecary LLC, which is necessary for the City and Enterprise to affirm compliance with Ohio Revised Code 5709.633. The exemption was originally granted to assist Wootown Properties LLLC in rehabilitating its 5,000-square foot, 40-ft wide, downtown building at 236 S. Market Street, Wooster, Ohio 44691 (also known as Parcel 64-00044.000), which established a residential apartment and a home for a small business, Ashton Little State Farm Insurance office. The exemption has saved the firm approximately \$8,000 since the agreement was penned in 2014, and will expire in 2025. Recently, the previous tenant departed while Son Apothecary LLC moved in, an independent small business specializing in eco-friendly household and personal wellness products. On August 22, 2022, the 2021 Wooster City Tax Incentive Review Council (TIRC) recommended a modification of the City's CRA agreement with Wootown Properties LLC to include Son Apothecary LLC as a party to the agreement with credit for job creation and no changes to terms.	
Justification / Benefits Staff recommends the proposal as it 1.) is in the spirit of the original agreement's goals of reinvesting in an underutilized building to create job opportunities and activity in Downtown, 2.) affirms the City's and business's compliance with State law regarding job commitments and relocation, 3.) continues to encourage retail business activity in an expanded Downtown area.	
Will this Project affect the City's Operating Costs Continuation of the agreement as planned has no impact to the City's operating costs.	
What Alternatives Exist and what are the Implications of the Alternatives Council may continue, amend, or terminate agreements, however options beyond the proposed amendment fail to show compliance with state law or uphold the intent of the 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: N/A	
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 by 12/19/2022, as this request is otherwise usual and ordinary.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Jonathan Millea Date: 11/28/2022	

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

AMENDMENT #1 TO COMMUNITY REINVESTMENT AREA AGREEMENT

THIS First Amendment to the Community Reinvestment Area Agreement dated May 14, 2014, is made by and between the City of Wooster, Ohio, a municipal corporation, with its main offices located at 538 N. Market Street, Ohio 44691 (hereinafter referred to as "City"), and Wootown Properties LLC, an Ohio Limited Liability Company, with its main offices located at 1650 Eagle Way, Ashland Ohio 44805 (hereinafter referred to as "Enterprise"), and Son Apothecary, an Ohio Limited Liability Company, with its main offices located at 236 S. Market Street, Wooster, Ohio 44691 (hereinafter referred to as "Tenant").

WITNESSETH:

WHEREAS, by Ordinance No. 2014-15, City granted Enterprise a 10-year, 50-percent Community Reinvestment Area agreement ("CRA") to incentivize the rehabilitation of an existing facility located at 236 S. Market Street, Wooster, Ohio 44691 (PPN 64-00044.000, the "Project Site"), so as to renovate a 3,600 square foot building ("Project") to establish retail space and retain a minimum of two employees; and

WHEREAS, Enterprise completed a renovation of the site prior to the December 31, 2015 completion date with a total final investment estimate of \$115,000; and

WHEREAS, As of December 31, 2021, the retail space was filled with a new retail tenant, Son Apothecary LLC, after having previously served as space for Ashton Little State Farm Insurance.

NOW, THEREFORE, in consideration 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: Tenant (Son Apothecary LLC) is approved as a tenant of the facility. Enterprise may include Tenant's created employees at its tax-exempted Project Site, and said employees will be credited toward Enterprise's annual job commitment requirements. Tenant (Son Apothecary LLC) to disclose employment and payroll figures specific to its hiring at the Project Site only. Tenant (Son Apothecary LLC) also affirms it has adopted a nondiscriminatory hiring policy, meaning no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry, in compliance with Ohio Revised Code 5709.832, and agrees to furnish a copy of its policy upon request.

Section 2: 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 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, prior to any job relocation.

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 Enterprise Zone Agreement and/or this amendment.


Section 4: All other terms of the Agreement dated May 14, 2014, shall remain the same.

IN WITNESS WHEREOF, the City of Wooster, Ohio, by Robert F. Breneman, its duly-elected Mayor, and pursuant to authority granted by the adoption of Ordinance No. 2022-____, has caused this instrument to be executed this ____ day of _____, 2022; and Wootown Properties LLC, by Travis Snyder, its Member, has caused this instrument to be executed on this __ day of _____, 2022; and by _____, its _____, has caused this instrument to be executed on this __ day of _____, 2022.

CITY OF WOOSTER, OHIO

Robert F. Breneman, Mayor


WOOTOWN PROPERTIES LLC

By 
Travis Snyder, Member

SON APOTHECARY LLC

By (Signature):

Name (Print):


Kaylee Pritchett

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
Wootown Properties LLC
136 S. Market Street
Parcel(s): 64-00044.000
Agreement 14-003

Execution 10/29/2013
Expiration 12/31/2025
Incentive: 10-Year, 50 Percent Real / Personal Property
School District: Wooster City School District

Status
Authorize
Tenant



Photo: July 6, 2022

Commitment:	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
Property:	\$150,000	-	-	-	-	-	-	\$10,000	\$10,000	\$10,000	\$40,000	\$90,000	\$90,000	\$115,000	\$115,000
Exemption	\$0	-	-	-	-	-	-	\$10,000	\$10,000	\$10,000	\$10,000	\$90,000	\$90,000	\$115,000	\$115,000
Personal	\$0	-	-	-	-	-	-	\$0	\$0	\$0	\$10,000	\$10,000	\$0	\$0	\$0
Total Jobs	2	-	-	-	-	-	-	0	0	0	3	2	0	1	2
Total Payroll:	\$35,000	-	-	-	-	-	-	\$0	\$0	\$0	\$10,000	\$40,000	\$40,000	\$40,000	\$60,000
New Jobs	0	-	-	-	-	-	-	0	0	0	3	0	0	1	2
New Payroll:	\$0	-	-	-	-	-	-	\$0	\$0	\$0	\$10,000	\$40,000	\$40,000	\$40,000	\$60,000
Saved Jobs	2	-	-	-	-	-	-	0	0	0	0	2	0	0	0
Saved Payroll	\$35,000	-	-	-	-	-	-	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Incentive Impacts:	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
Real Taxes Paid	-	-	-	-	-	\$2,241	\$1,990	\$1,985	\$2,018	\$2,702	\$3,631	\$4,196	\$4,284	\$4,575	\$27,622
Real Taxes Foregone	-	-	-	-	-	-	\$0	\$0	\$0	\$781	\$783	\$2,116	\$2,092	\$2,234	\$8,006
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, which sought to revitalize 136 S. Market Street, supports a single retail space which was between tenants at then end of 2019. Ashton Little State Farm Agency had operated at this location throughout most of 2019 before closing in the early fourth quarter. (Employment figures, per the State of Ohio's directives, are always reported on December 31 of each year.) In 2020, the property secured a new tenant supporting one full-time job, which is less than the two full time jobs prescribed by the agreement and Ohio CRA law. Also in 2020, retail operations were significantly impacted by government ordered pandemic policies, complicating recovery. As 2020 was the first year that the two full-time job requirements was not substantially met, and given the government's disruptive COVID-19 policy impacts to the on-site retail market, staff recommends continuance for one additional year to allow the property owner time to recover. The storefront was rebranded in mid-2021 as Son Apothecary. *Recommendation:* Modification to authorize new tenant.

ORDINANCE NO. 2022-36

AN ORDINANCE AMENDING ORDINANCE NO. 2006-26
AUTHORIZING THE MAYOR TO TRANSFER THE
ENTERPRISE ZONE AGREEMENT FROM CHESTERLAND
PRODUCTIONS PLL TO STARBAKER 1535 LLC AND TO
INCLUDE COMPAK LLC AS A PARTY TO THE AGREEMENT
FOR IMMEDIATE ENACTMENT.

WHEREAS, this City Council, in Ordinance No. 2006-26, authorized the Mayor to enter an agreement with Eldorado Stone, LLC, and Chesterland Productions, PLL for Enterprise Zone (EZ) Tax Incentives with an exemption of 75% of real estate taxes for a period of ten (10) years; and

WHEREAS, on November 11, 2009, the City of Wooster Tax Incentive Review Council recommended that the agreement be amended “by revising the job commitment numbers from 237 full-time jobs to 39 full-time jobs” and, following passage of Resolution 2009-87 which accepted the recommendations, the agreement was so amended with Chesterland Productions, PLL assigned as the sole Enterprise; and

WHEREAS Enterprise’s affiliate, COMPAK Inc., underwent a de-merger in 2020, with its logistics functions and associated employees moved to a newly created and unaffiliated firm, COMPAK LLC, whose main offices remain at 1825 Enterprise Parkway, Wooster, Ohio 44691, and who continues to base employees at the project site with 19 employees on site and another 17 located at other facilities within city limits; and

WHEREAS on August 22, 2022, the City of Wooster Tax Incentive Review Council recommended modification of the agreement to include COMPAK LLC a party to the agreement, and Wooster City Council accepted the recommendation of modification by adoption of Resolution 2022-30.

WHEREAS on September 22, 2022, Chesterland Productions, PLL sold the project site to a newly created firm, STARBAKER 1825 LLC, and the Agreement is not transferrable without written approval of the City.

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

SECTION 1. Ordinance No. 2006-26 is modified to provide the Mayor, on behalf of the City of Wooster, is authorized to enter into an *amended* agreement with Chesterland Productions PLL and STARBAKER 1825 LLC, where the latter will be substituted as the Enterprise, and thus benefit from and be responsible for previously foregone EZ tax incentives. It is expressly understood that the new owner (STARBAKER 1825 LLC) will assume the EZ agreement as it was originally executed and amended in 2009 as it presently exists; that the terms will remain unchanged except as to the following: (1) the identity of STARBAKER 1825 LLC as the Enterprise; and (2) COMPAK LLC is authorized as a tenant with its job and payroll at the project site to be credited toward STARBAKER 1825 LLC’s performance commitments, and (3) such other terms as the Mayor, in his discretion, deems appropriate.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council 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 prompt action is necessary in order to facilitate the maintenance of an economic development incentive project through authorizing the transfer of an agreement to new property owners as originally contemplated; 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

Request for Agenda Item

ORD
2022-36
#4

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Development	Meeting Date Requested December 5th, 2022
Project Name Amend CRA Agr. 06-001	Estimated Total Funds/Costs N/A
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? N/A - Authorization to AMEND a EZ agreement with Transfer to STARBAKER 1825, no exemption changes.	
Description of Request Authorization for the Mayor to enter into an agreement to amend its 06-001 Enterprise Zone (EZ) agreement to permit its assignment from Chesterland Productions PLL to STARBAKER 1825 LLC, and to authorize COMPAK LLC as a tenant. The project site is no longer receiving exemption, but remains subject to maintaining its performance through 2026. Previously, in 2006, the City granted Chesterland Productions PLL and the Eldorado Stone Company a 10-year, 75% exemption, which was amended in 2009 to pertain only to Chesterland Productions PLL with a commitment of 39 new jobs, filled primarily through the company's affiliated COMPAK Inc. The firm earned \$926,108 in foregone taxes from 2007 Pay 2008 through 2016 Pay 2017. (Since 2007, the company has paid a total of \$1,395,766 in property taxes, which would not have been realized without the agreement.) Recently, COMPAK Inc. underwent a demerger, resulting in nearly all employees being transferred to a new and independently-run firm, COMPAK LLC, performing the same general work in the same facilities. On August 22, 2022, the 2021 Wooster TIRC recommended a modification of the Agreement to include COMPAK LLC as a tenant under the Agreement with no changes to terms, as this enables the project to retain compliance with Wooster City Ordinance 2007-04. In September, Chesterland Productions PLL sold its real estate to STARBAKER 1825 LLC.	
Justification / Benefits Staff recommends the proposal as it 1.) is in the spirit of the original agreement's goals of industrial investment and job creation, 2.) affirms the City's and business's compliance with local law regarding performance, and 3.) affirms the compliance with the agreement's requirement of obtaining written permission to effect a transfer.	
Will this Project affect the City's Operating Costs Continuation of the agreement as proposed has no impact to the City's operating costs.	
What Alternatives Exist and what are the Implications of the Alternatives Council may continue, amend, or terminate agreements.	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances: N/A	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons Suspension preferred by 12/19/2022, as this request is otherwise usual and ordinary.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Jonathan Millea	Date: 11/28/2022

Approved for Agenda Yes No

AMENDMENT #2 TO ENTERPRISE ZONE AGREEMENT

THIS Second Amendment to the Enterprise Zone Agreement dated June 13, 2006, as amended December 30, 2009, between the City of Wooster, a municipal corporation of Ohio, with its main offices located at 538 N. Market Street, Wooster, Ohio 44691 (the "Obligor"), and Chesterland Productions, PLL ("Assignor") with a mailing address of 1130 Riffel Road, Wooster, Ohio 44691, and STARBAKER 1825 LLC ("Assignee"), an Ohio limited liability company, with a mailing address of 1825 Enterprise Parkway, Wooster, Ohio 44691, and COMPAK LLC ("Tenant"), an Ohio for-profit corporation with an address of 1825 Enterprise Parkway, Wooster, Ohio 44691, is made effective as of the 1 day of November, 2022.

RECITALS:

1. On June 13, 2006, in accordance with Wooster City Ordinance 2006-26 and as amended by Ordinance 2009-87, Obligor and Assignor entered into an Enterprise Zone, aiding Enterprise with a 10-year, 75 percent real estate tax abatement on improved property value in return for (1) investing \$3,500,000 in constructing an approximate 202,500 square foot building at 1825 Enterprise Parkway (previously 67-02030.000 and 67-02860.001), presently known as Wayne County, Ohio Parcel 67-02030.000 ("Project Site"; and (2) as amended, created 39 new full-time permanent job opportunities with an annual payroll of \$821,515.
2. On December 30, 2009, in accordance with Wooster City Ordinance 2009-87, Obligor and Assignor amended the agreement, replacing job commitments of Eldorado Stone with the equivalent of 39 full-time permanent job opportunities through Chesterland Productions PLL.
3. The project has successfully supported basic sector job creation through the present, and Enterprise has further invested to expand the facility by another 100,000 square feet without exemption. Enterprise has enjoyed a benefit of approximately \$926,108 in foregone real estate taxes from 2007 through 2016, and remains committed to maintain its operations at the Project Site through 2026 in accordance with its Agreement.
4. Obligor's affiliate, (COMPAK Inc.), now retains four employees in Wooster city limits after it underwent a de-merger in 2020, with its logistics functions and associated employees moved to a newly created and unaffiliated firm, COMPAK LLC (Tenant), whose main offices are located at 1825 Enterprise Parkway, Wooster, Ohio 44691, and who continues to base employees at the Project Site, and maintains a current lease through tax year N/A. Tenant (COMPAK LLC) maintains 36 employees in Wooster city limits, including 19 at the Project Site.
5. On August 22, 2022, the 2021 Wooster City Tax Incentive Review Council (TIRC) recommended a modification of the City's EZ agreement with Enterprise to include COMPAK LLC as a tenant under the Agreement with no changes to terms.
6. Assignor sold and transferred its ownership of the project site to Assignee (STARBAKER 1825 LLC) effective September 22, 2022, and authorization for assignment is required in accordance with Section 16 of the original 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: Assignor (Chesterland Estates PLL) hereby assigns all of its right, title and interest, and delegates all of its obligations, responsibilities and duties, in and to the Enterprise Zone Agreement to Assignee (STARBAKER 1825 LLC).

Section 2: Assignee (STARBAKER 1825 LLC) accepts the assignment of all of Assignor's (Chesterland Estates PLL's) right, title and interest, as well as all of Assignor's (Chesterland Estates PLL's) obligations, responsibilities and duties, in and to the said Enterprise Zone Agreement.

Section 3: Tenant (COMPAK LLC) is approved as a tenant of the facility. Assignee (Chesterland Estates PLL) may include Tenant's (COMPAK LLC) employees at its tax-exempted Project Site, and said employees will be credited toward Assignee's annual job commitment requirements. Tenant (COMPAK LLC) agrees to disclose employment and payroll figures specific to its hiring within Wooster City limits to Obligor (City of Wooster). Tenant (COMPAK LLC) also affirms it has adopted a nondiscriminatory hiring policy, meaning no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry, in compliance with Ohio Revised Code 5709.832, and agrees to furnish a copy of its policy upon request.

Section 4: Assignee (STARBAKER 1825 LLC) affirms that through tax year 2026, under penalty of repayment of all forgone real estate taxes, it will ensure substantial employment activity at the Project Site. In no event shall Assignee (STARBAKER 1825 LLC) receive credit for any tenant for any year in which tenant are not occupying the Project Site or not authorized by agreement.

Section 5: Assignor (Chesterland Estates PLL) and Assignee (STARBAKER 1825 LLC) 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 Enterprise Zone Agreement and/or this amendment.

Section 6: All other terms of the Agreement dated June 13, 2006 shall remain the same.

IN WITNESS WHEREOF, the City of Wooster, Ohio, by Robert F. Breneman, its Mayor, pursuant to Ordinance No. ____ - ____, has caused this instrument to be executed this ____ day of ____ 2022; and Chesterland Productions PLL by Jerry Baker, its Owner, has caused this instrument to be executed on this 1 day of Nov 2022; and STARBAKER 1825 LLC by Justin Starlin, its Member, has caused this instrument to be executed on this 1 day of Nov 2022; and COMPAK LLC by Justin Starlin, its President, has caused this instrument to be executed on this 1 day of Nov 2022.

CITY OF WOOSTER, OHIO

by _____
Robert F. Breneman
Mayor

CHESTERLAND PRODUCTIONS PLL

by _____
Jerry Baker
Owner / Member

STARBAKER 1825 LLC

by _____
Justin Starlin
Member

COMPAK LLC

by _____
Justin Starlin
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



EZ Zone 389

TIRC Zone 389 - Wooster City
Eldorado Stone LLC & Chesterland Estates
1825 Enterprise Pkwy Wooster Ohio 44691
Parcel(s): 67-02030.000
Agreement 389-06-01

Execution: 7/13/2006, Amended: 12/31/2009
 Expiration: 12/31/2017
Incentive: 10-Year, 75 Percent Real / Personal Property
 School District: Wooster City School District

***Post-Abatement Period**
This project is past its abatement period. No annual reporting required, but the firm is committed to retaining its operations at the site through 12/31/2026.

Status
Post
Abatement



Photo: February 9, 2022

Commitment:	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
Property:	\$4,500,000	-	-	\$4,750,000	\$4,750,000	\$4,750,000	\$6,753,674	\$6,753,674	\$6,753,674	\$6,753,674	\$6,753,674	\$6,753,674	\$6,753,674	\$6,753,674
Personal:	\$247,246	-	-	\$247,246	\$247,246	\$247,246	\$247,246	\$285,600	\$285,600	\$285,600	\$285,600	\$285,600	\$285,600	\$285,600
Saved Jobs ¹	0	-	-	52	0	0	0	0	0	-	-	-	-	-
Saved Payroll	\$0	-	-	\$4,500,000	\$0	\$0	\$0	\$0	\$0	-	-	-	-	-
New Jobs:	39	-	-	0	28	39	34	62	0	-	-	-	-	-
New Payroll:	\$821,515	-	-	\$0	\$589,520	\$909,217	\$955,000	\$1,000,000	\$0	-	-	-	-	-
Total Jobs	39	-	-	52	28	39	34	62	0	-	-	-	-	-

Incentive Impacts:	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
Real Taxes Paid	\$35,927	\$40,992	\$42,478	\$43,433	\$43,433	\$67,636	\$74,625	\$75,874	\$198,817	\$199,348	\$200,946	\$261,419	\$1,395,766	\$1,605,922
Real Taxes Foregone	\$72,622	\$82,859	\$85,865	\$87,795	\$87,795	\$137,844	\$130,878	\$133,069	\$0	\$0	\$0	\$0	\$0	\$926,108
Personal Taxes Paid	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Personal Taxes Foregone	\$0	\$0	\$0	\$0	\$0	\$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

The owner maintained operations at the facility through 2019. Not action is needed. In the wake of 2008 Great Recession, the Developer's tenant ceased operations at the site. Since then, the original agreement stipulating the retention of 187 jobs with a \$4,500,000 payroll was modified to a 36-month job creation goal of 39 with a minimum payroll of \$821,515. Efforts continue in reutilizing the development which supported light manufacturing and assembly, industrial flex-space, and distribution. A 100,000R2 expansion was completed in 2013 (not covered under the EZ). During its last reporting year, 2017, Chesterland Estates reported both Compak Employees and Artiflex Employees (in flex-space) at the site. The facility continues to be utilized for employment through 2019. No action necessary. Retained by Chesterland Estates in 2021, the facility became the headquarters for COMPAK LLC, a new firm resulting from a demerger of Compak Inc. No action necessary based on continuing substantial economic impact. **Recommendation:** Modification to permit COMPAK LLC with no change to terms.

ORDINANCE NO. 2022-37

AN ORDINANCE AMENDING ORDINANCE NO. 2006-42 BY AUTHORIZING THE MAYOR TO TRANSFER THE ENTERPRISE ZONE AGREEMENT FROM COMPAK INC. TO STARBAKER 1535 LLC AND TO INCLUDE COMPAK LLC AS A PARTY TO THE AGREEMENT FOR IMMEDIATE ENACTMENT.

WHEREAS, this City Council, in Ordinance No. 2006-42, authorized the Mayor to enter an agreement with COMPAK Inc. for Enterprise Zone (EZ) Tax Incentives with an exemption of 75% of real estate taxes for a period of ten (10) years; and

WHEREAS Enterprise's affiliate, COMPAK Inc., underwent a de-merger in 2020, with its logistics functions and associated employees moved to a newly created and unaffiliated firm, COMPAK LLC, whose main offices remain at 1825 Enterprise Parkway, Wooster, Ohio 44691, and who reports 13 employees at the 1535 Enterprise Parkway project site, and another 23 located at other facilities within city limits; and

WHEREAS on August 22, 2022, the City of Wooster Tax Incentive Review Council recommended modification of the agreement to include COMPAK LLC a party to the agreement, and;

WHEREAS on September 22, 2022, COMPAK Inc. sold the project site to a newly created firm, STARBAKER 1535 LLC, and the Agreement is not transferrable without written approval of the City.

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

SECTION 1. Ordinance No. 2006-42 is modified to provide that the Mayor, on behalf of the City of Wooster, is authorized to enter into an *amended* agreement with COMPAK Inc and STARBAKER 1535 LLC, where the latter will be substituted as the Enterprise, and thus benefit from and be responsible for previously foregone EZ tax incentives. It is expressly understood that the new owner (STARBAKER 1825 LLC) will assume the EZ agreement as it was originally executed and amended in 2009 as it presently exists; that the terms will remain unchanged except as to the following: (1) the identity of STARBAKER 1535 LLC as the Enterprise; and (2) COMPAK LLC is authorized as a tenant with its job and payroll at the project site to be credited toward STARBAKER 1535 LLC's performance commitments, and (3) such other terms as the Mayor, in his discretion, deems appropriate.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council 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 prompt action is necessary in order to facilitate the maintenance of an economic development incentive project through authorizing the transfer of an agreement to new property owners as originally contemplated; 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

Request for Agenda Item

#6
ORD
2022-37

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Development	Meeting Date Requested December 5th, 2022
Project Name Amend CRA Agr. 06-004	Estimated Total Funds/Costs N/A
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? N/A - Authorization to AMEND a EZ agreement with Transfer to STARBAKER 1535, no exemption changes.	
Description of Request Authorization for the Mayor to enter into an agreement to amend its 06-004 Enterprise Zone (EZ) agreement to permit its assignment from Chesterland Productions PLL to STARBAKER 1535 LLC, and to authorize COMPAK LLC as a tenant. The project site (1535 Enterprise Parkway) is no longer receiving exemption, but remains subject to maintaining its performance through 2026. In 2006, the City granted COMPAK Inc. a 10-year, 75% exemption with a commitment of 10 new jobs. Recently, COMPAK Inc. underwent a demerger, resulting in nearly all employees being transferred to a new and independently-run firm, COMPAK LLC, performing the same general work in the same facilities, and reporting 13 employees at the Project Site. On August 22, 2022, the 2021 Wooster TIRC recommended a modification of the Agreement to include COMPAK LLC as a tenant under the Agreement with no changes to terms, as this enables the project to retain compliance with Wooster City Ordinance 2007-04. In September, Chesterland Productions PLL sold its real estate to STARBAKER 1535 LLC, which additionally requires written approval to maintain the previously-forgone tax revenues.	
Justification / Benefits Staff recommends the proposal as it 1.) is in the spirit of the original agreement's goals of industrial investment and job creation, 2.) affirms the City's and business's compliance with local law regarding performance, and 3.) affirms the compliance with the agreement's requirement of obtaining written permission to effect a transfer.	
Will this Project affect the City's Operating Costs Continuation of the agreement as proposed has no impact to the City's operating costs.	
What Alternatives Exist and what are the Implications of the Alternatives Council may continue, amend, or terminate agreements.	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances: N/A	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons Suspension preferred by 12/19/2022, as this request is otherwise usual and ordinary.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Jonathan Millea	Date: 11/28/2022

Approved for Agenda Yes No

AMENDMENT #1 TO ENTERPRISE ZONE AGREEMENT

THIS First Amendment to the Enterprise Zone Agreement dated September 26, 2006, between the City of Wooster, a municipal corporation of Ohio, with its main offices located at 538 N. Market Street, Wooster, Ohio 44691 (“Obligor”), and COMPAK Inc. (“Assignor”) with a mailing address of 1130 Riffel Road, Wooster, Ohio 44691, and STARBAKER 1535 LLC (“Assignee”), an Ohio limited liability company, with a mailing address of 1825 Enterprise Parkway, Wooster, Ohio 44691, and COMPAK LLC (“Tenant”), an Ohio for-profit corporation with an address of 1825 Enterprise Parkway, Wooster, Ohio 44691, is made effective as of the ___ day of _____, 2022.

RECITALS:

1. On September 26, 2006, in accordance with Wooster City Ordinance 2006-42, Obligor and Assignor entered into an Enterprise Zone, aiding Enterprise with a 10-year, 75 percent real estate tax abatement on improved property value in return for (1) investing \$5,100,000 in constructing an approximate 150,000 square foot building at 1535 Enterprise Parkway, Wooster, OH 44691, also known as Wayne County, Ohio Parcel 67-00283.000 (“Project Site”); and (2) create 15 full-time employees at the project location with an annual payroll of \$405,600.
2. The project has successfully supported basic sector job creation through the present, and Enterprise has enjoyed a benefit of approximately \$589,992 in foregone real estate taxes from 2007 through 2016, and remains committed to maintain its operations at the Project Site through 2026 in accordance with its Agreement.
3. Assignor (COMPAK Inc.), now retains four employees in Wooster city limits after it underwent a de-merger in 2020, with its logistics functions and associated employees moved to a newly created and unaffiliated firm, COMPAK LLC (Tenant), whose main offices are located at 1825 Enterprise Parkway, Wooster, Ohio 44691, which continues to base employees at the Project Site, and maintains a current lease through tax year N/A. COMPAK LLC maintains 36 employees in Wooster city limits, including 13 at the Project Site (1535 Enterprise Parkway, Wooster, Ohio 44691).
4. On August 22, 2022, the 2021 Wooster City Tax Incentive Review Council (TIRC) recommended a modification of the City’s EZ agreement with Enterprise to include Tenant (COMPAK LLC) as a tenant under the Agreement.
5. Assignor sold and transferred its ownership of the project site to Assignee (STARBAKER 1535 LLC) effective September 22, 2022, and authorization for assignment is required in accordance with Section 16 of the original 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: Assignor (COMPAK Inc.) hereby assigns all of its right, title and interest, and delegates all of its obligations, responsibilities and duties, in and to the Enterprise Zone Agreement to Assignee (STARBAKER 1535 LLC).

Section 2: Assignee (STARBAKER 1535 LLC) accepts the assignment of all of Assignor's (COMPAK Inc.'s) right, title and interest, as well as all of Assignor's (COMPAK Inc.'s) obligations, responsibilities and duties, in and to the said Enterprise Zone Agreement.

Section 3: Tenant (COMPAK LLC) is approved as a tenant of the facility. Assignee (STARBAKER 1535 LLC) may include Tenant's (COMPAK LLC) employees at its previously tax-exempted Project Site, and said employees will be credited toward Assignee's annual job commitment requirements as evidence of substantial compliance with Section 3 of its Agreement. Tenant (COMPAK LLC) agrees to disclose employment and payroll figures specific to its hiring within Wooster City limits to Obligor (City of Wooster). Tenant (COMPAK LLC) also affirms it has adopted a nondiscriminatory hiring policy, meaning no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry, in compliance with Ohio Revised Code 5709.832, and agrees to furnish a copy of its policy upon request.

Section 4: Assignee (STARBAKER 1535 LLC) affirms that through tax year 2026, under penalty of repayment of all forgone real estate taxes, it will ensure substantial employment activity at the Project Site. In no event shall Assignee (STARBAKER 1535 LLC) receive credit for any tenant for any year in which a tenant is not occupying the Project Site or not authorized by agreement.

Section 5: Assignor (COMPAK Inc.) and Assignee (STARBAKER 1535 LLC) 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 Enterprise Zone Agreement and/or this amendment.

Section 6: All other terms of the Agreement dated September 26, 2006 shall remain the same.

IN WITNESS WHEREOF, the City of Wooster, Ohio, by Robert F. Breneman, its Mayor, pursuant to Ordinance No. _____ - _____, has caused this instrument to be executed this ____ day of ____ 2022; and COMPAK Inc. by Jerry Baker, its Owner, has caused this instrument to be executed on this 1 day of Nov 2022; and STARBAKER 1535 LLC by Justin Starlin, its Member, has caused this instrument to be executed on this 1 day of Nov 2022; and COMPAK LLC by Justin Starlin, its President, has caused this instrument to be executed on this 1 day of Nov 2022.

CITY OF WOOSTER, OHIO
by _____
Robert F. Breneman
Mayor

STARBAKER 1535 LLC
by _____
Justin Starlin
Member

COMPAK Inc.
by _____
Jerry Baker
Owner / Member

COMPAK LLC
by _____
Justin Starlin
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



EZ Zone

TIRC Zone 389 - Wooster City
COMPAK Inc.
 1535 Enterprise Pkwy Wooster Ohio 44691
 Parcel(s): 67-00283.000
 Agreement 389-06-04

Execution: 9/25/2006

Expiration: 12/31/2017

Incentive: 10-Year, 75 Percent Real / Personal Property

School District: Wooster City School District

***Post-Abatement Period**
 This project is past its abatement period. No annual reporting required, but the firm is committed to retaining its operations at the site through 12/31/2026.

Status
Post
Abatement



Photo: February 9, 2022

Commitment:	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
Property:	\$4,500,000	-	-	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	4000000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000
Personal:	\$100,000	-	-	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000
Saved Jobs ¹	0	-	-	0	0	0	0	0	0	-	-	-	-	-
Saved Payroll:	\$0	-	-	\$0	\$0	\$0	\$0	\$0	\$0	-	-	-	-	-
New Jobs	15	-	-	15	15	17	15	24	24	-	-	-	-	-
New Payroll:	\$450,000	-	-	\$450,000	\$450,000	\$483,718	\$550,000	\$564,000	\$612,024	-	-	-	-	-
Total Jobs	0	-	-	15	15	17	15	24	24	-	-	-	-	-

Incentive Impacts:	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
Real Taxes Paid	\$27,441	\$31,309	\$32,445	\$33,174	\$33,313	\$35,306	\$35,310	\$35,901	\$97,632	\$97,893	\$98,381	\$97,830	\$104,452	\$1,000,262
Real Taxes Foregone	\$53,622	\$61,180	\$63,400	\$64,824	\$65,095	\$137,844	\$65,605	\$66,703	\$0	\$0	\$0	\$0	\$0	\$589,992
Personal Taxes Paid	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Personal Taxes Foregone	\$0	\$0	\$0	\$0	\$0	\$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, which had sought to establish space for manufacturing, was amended in the wake of the 2008 financial collapse. The facility now provides space for distribution, some light assembly, and flex-space for assembly. 2016 was the final year of tax abatement for COMPAK, with full taxation beginning to accrue 1/1/2017, and payable in tax year 2017 Pay 2018. The facility continues to support logistics operations with largely the same staff but under a new firm de-merged from COMPAK Inc., which is COMPAK LLC. No action necessary based on continuing substantial economic impact. **Recommendation:** Modification to permit COMPAK LLC with no change to terms.

ORDINANCE NO. 2022-38

AN ORDINANCE AMENDING ORDINANCE NO. 2018-07 BY
AUTHORIZING THE MAYOR TO INCLUDE COMPAK LLC AND
KITTYPOOCLUB LLC AS A PARTY TO THE AGREEMENT FOR
IMMEDIATE ENACTMENT.

WHEREAS, this City Council, in Ordinance No. 2018-07, authorized the Mayor to enter into an agreement with Baker Properties Mt. Vernon Ltd. and COMPAK Inc. for Enterprise Zone (EZ) Tax Incentives with an exemption of 75% of real estate taxes for a period of ten (10) years as an inducement for constructing a new 120,000-square foot structure at 1909-B Old Mansfield Road, Wooster, Ohio (the "Project Site"); and

WHEREAS, Baker Properties Mt. Vernon Ltd. constructed a 120,000 SF building as committed, and COMPAK Inc. had committed to creating ten new full-time jobs at the project site while retaining 39 existing jobs within city limits; and

WHEREAS Enterprise's affiliate, COMPAK Inc., underwent a de-merger in 2020, with its logistics functions and associated employees moved to a newly created and unaffiliated firm, COMPAK LLC, whose main offices remain at 1825 Enterprise Parkway, Wooster, Ohio 44691, and who reports two employees at the Project Site and another 34 located at other facilities within city limits; and

WHEREAS KittyPooClub LLC, a Wooster firm with seven full-time equivalent jobs at 1550 Spruce Street Ext. within the same Wooster Enterprise Zone, was in need of additional space and relocated its operations to the Project Site and hired an additional 11 full-time equivalent staff; and

WHEREAS on August 22, 2022, the City of Wooster Tax Incentive Review Council recommended modification of the agreement to include COMPAK LLC and KittyPooClub LLC as parties to the agreement and;

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

SECTION 1. Ordinance No. 2018-07 is modified to provide that the Mayor, on behalf of the City of Wooster, is authorized to enter into an *amended* agreement with Baker Properties Mt. Vernon Ltd and COMPAK Inc. to provide for the following: 1.) KittyPooClub LLC is authorized as a tenant with its job and payroll at the project site to be credited toward Baker Properties Mt. Vernon Ltd.'s and COMPAK Inc.'s performance commitments, 2.) COMPAK LLC is authorized as a tenant with its job and payroll at the project site to be credited toward Baker Properties Mt. Vernon Ltd.'s and COMPAK Inc.'s performance commitments, 3.) such other terms as the Mayor, in his discretion, deems appropriate.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council 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 prompt action is necessary in order to facilitate the maintenance of an economic development incentive project through authorizing the transfer of an agreement to new property owners as originally contemplated; 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

#7
ORD
2022-38

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Development	Meeting Date Requested December 5th, 2022
Project Name Amend EZ Agr. 18-001	Estimated Total Funds/Costs N/A
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? N/A - Authorization to AMEND a EZ agreement to allow COMPAK LLC and KittyPooClub LLC as tenants	
Description of Request Authorization for the Mayor to amend the 18-001 Enterprise Zone (EZ) agreement by allowing COMPAK LLC and KittyPooClub LLC as tenants with credit performance. When ABS Materials was unable to meet its 166 Loan commitment and capital lease in 2017, the Wooster Growth Corporation found a buyer in Baker Properties Mt. Vernon Ltd., which reinvested in the 1909-A building, resulting in new job creation. In 2018, Baker Properties Mt. Vernon sought EZ assistance to build a new 120,000sf building (the 1909-B "Project Site") on the same property and create 10 new COMPAK Inc. jobs and retain 39 others off-site. Recently, COMPAK Inc. underwent a demerger with most employees transferred to a new independently-run firm, COMPAK LLC, performing the same general work in the same facilities (2 at the Project Site, 34 others citywide). Also, KittyPooClub LLC was welcomed as a tenant with its 18 employees. The Wooster TIRC on Aug. 22 recommended modification to authorize COMPAK LLC and KittyPooClub LLC as tenants and to affirm a 2-year commitment for each year of exemption on 49 jobs or equivalent. The new tenants together have 20 full-time job equivalents at the site, while COMPAK LLC and COMPAK Inc together have 38 other jobs in city limits. Per the proposal, tenants agree to share required information, while Baker Properties Mt. Vernon Ltd. and COMPAK Inc. remain responsible for performance obligations and clawback through 2038 (exemption ceases 2028).	
Justification / Benefits Staff recommends the proposal as it 1.) is in the spirit of the original agreement's goals of industrial investment and job creation, 2.) is a necessary and practical effort to ensure the City's and business's compliance with State and local law regarding job relocation and tax-exempted properties, 3.) indirectly benefits KittyPooClub LLC which was constrained in its previous location and at risk for relocation.	
Will this Project affect the City's Operating Costs Continuation of the agreement as proposed has no impact to the City's operating costs.	
What Alternatives Exist and what are the Implications of the Alternatives Council may continue, amend, or terminate agreements.	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances: N/A	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons Suspension preferred by 12/19/2022, as this request is otherwise usual and ordinary.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Jonathan Millea	Date: 11/28/2022

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

AMENDMENT #1 TO ENTERPRISE ZONE AGREEMENT

THIS First Amendment to the Enterprise Zone Agreement dated May 14, 2018 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 Baker Properties, Mount Vernon, Ltd., an Ohio domestic limited liability company, and COMPAK Inc, an Ohio for-profit corporation (both firms collectively referred to as "Enterprise") each sharing the same mailing address of 1130 Riffel Road, Wooster, Ohio 44691, and Compak LLC ("Tenant A"), an Ohio for-profit corporation with an address of 1825 Enterprise Parkway, Wooster, Ohio 44691, and Kitty Poo Club LLC ("Tenant B"), an Ohio domestic limited liability company with an address of 1909 Old Mansfield Road, Bldg. B, Wooster, Ohio 44691, is made effective as of the ___ day of _____, 2022.

RECITALS:

1. On May 14, 2018, City and Enterprise entered into an Enterprise Zone, aiding Enterprise with a 10-year, 75 percent real estate tax abatement on improved property value in return for (1) investing \$3,500,000 in constructing an approximate 120,000 square foot building at 1909 Old Mansfield Road [Bldg. B], Wooster, OH 44691, also known as Wayne County, Ohio Parcel 68-00117.000 ("Project Site"; and (2) create 10 full-time employees at the project location with an annual payroll of \$294,840; and (3) retain 39 existing COMPAK Inc. employees in the City of Wooster during the abatement period, all as authorized by ordinance 2018-07.
2. Enterprise accrues approximately \$90,019 annually in forgone tax revenues. The tax exemption period commenced in tax year 2019 is set to expire 12/31/2028, while Enterprise is required to maintain its operations at the Project Site for one additional year for every year for which abatement is granted, specifically through 12/31/2038.
3. Enterprise is obligated under its agreement, in order to remain compliant with State of Ohio and City of Wooster laws, to obtain written approval prior to the relocation of any existing jobs from one Ohio location to its 1909 Old Mansfield Road site through the abatement period, under penalty of immediate repayment of foregone tax revenues.
4. Enterprise (COMPAK Inc.) now retains four employees in Wooster city limits after it underwent a de-merger in 2020, with its logistics functions and associated employees moved to a newly created and unaffiliated firm, COMPAK LLC (Tenant A), whose main offices are located at 1825 Enterprise Parkway, Wooster, Ohio 44691, and who continues to base employees at the 1909 Old Mansfield Road [Bldg. B], Wooster, Ohio 44691 and maintains a current lease through tax year 2026. COMPAK LLC maintains 36 employees in Wooster city limits, including 2 at the Project Site.
5. KittyPooClub LLC is a growing Wooster company manufacturing specialty sanitary products for pets. Previously located at 1550 Spruce Street Ext. in the City of Wooster and within Enterprise Zone 389B, the firm required additional space to expand its operations which included additional hiring, and secured such space at Enterprises' 1909 Old Mansfield Road [Bldg. B], Wooster, Ohio 44691 and maintains a current lease through tax year 2022. KittyPooClub LLC maintains 18 employees at the Project Site. KittyPooClub LLC previously employed 7 full-time employee

equivalents at 1550 Spruce Street Ext., Wooster, Ohio 44691 address immediately prior to its relocation to the Project Site.

6. The relocation of KittyPooClub LLC jobs was necessary to support the expansion of a Wooster firm's industrial operations and the Ohio Department of Development has advised that its current policy does not require a waiver on the basis of the relocation having occurred within the same Enterprise Zone.
7. On August 22, 2022, the 2021 Wooster City Tax Incentive Review Council (TIRC) recommended a modification of the City's EZ agreement with Enterprise to include Tenant A (COMPAK LLC) and Tenant B (KittyPooClub LLC) as tenants under the Agreement with an affirmation that a commitment of 49 full-time jobs or equivalents be affirmed for the facility for two years for each year of exemption.

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: Tenant A (COMPAK LLC) is approved as a tenant of the facility. Enterprises (COMPAK Inc. and Baker Properties Mt Vernon Ltd.) may include Tenant A's (COMPAK LLC) created employees at its tax-exempted Project Site, and said employees will be credited toward Enterprise's annual job commitment requirements. Enterprises will also include Tenant A's (COMPAK LLC) employees located within Wooster City limits, and not claimed for created employees at the Project Site, toward its requirements to retain 39 full-time jobs or equivalents within City limits. Tenant A (COMPAK LLC) agrees to disclose employment and payroll figures specific to its hiring within Wooster City limits. Tenant A (COMPAK LLC) also affirms it has adopted a nondiscriminatory hiring policy, meaning no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry, in compliance with Ohio Revised Code 5709.832, and agrees to furnish a copy of its policy upon request.

Section 2: Tenant B (KittyPooClub LLC) is approved as a tenant of the facility. Enterprise may include Tenant's created employees at its tax-exempted Project Site, and said employees will be credited toward Enterprise's annual job commitment requirements. Tenant B (KittyPooClub LLC) agrees to disclose employment and payroll figures specific to its hiring at the Project Site only. Tenant's created employees are to be calculated as the number of Tenant's full-time employees working in the facility as of December 31 of each reporting year, less the original number of Tenant's full-time employee equivalents which relocated to the Project Site (1909 Old Mansfield Road, Bldg. B, Wooster, Ohio 44691) from its previous 1550 Spruce Street Ext., Wooster, Ohio 44691 address. Tenant B (KittyPooClub LLC) agrees to disclose employment and payroll figures specific to its hiring at the Project Site only. Tenant B (KittyPooClub LLC) also affirms it has adopted a nondiscriminatory hiring policy, meaning no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry, in compliance with Ohio Revised Code 5709.832, and agrees to furnish a copy of its policy upon request.

Section 3: Enterprise (COMPAK Inc. and Baker Properties Mt Vernon Ltd.) affirms that through tax year 2038, under penalty of repayment of all forgone real estate taxes, it will ensure the equivalent of 49 full-time equivalent jobs within City limits, at least ten of which must be created full-time jobs at the Project site, and as many as 39 which may be retained employees

within city limits of COMPAK Inc or, while a tenant with full-time permanent employment at the Project Site, the retained employees of Tenant A (COMPAK LLC) within city limits. In no event shall Enterprise (COMPAK Inc. and Baker Properties Mt Vernon Ltd.) receive credit for any tenants for any year in which tenants are not occupying the Project Site or not authorized by agreement.

Section 4: Enterprise (COMPAK Inc. and Baker Properties Mt Vernon Ltd.) 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 Enterprise Zone Agreement and/or this amendment.

Section 5: All other terms of the Agreement dated May 14, 2018 shall remain the same.

IN WITNESS WHEREOF, the City of Wooster, Ohio, by Robert F. Breneman, its Mayor, pursuant to Ordinance No. ____ - ____, has caused this instrument to be executed this ____ day of ____ 2022; and Baker Properties, Mount Vernon, Ltd. by Jerry Baker, its Owner, has caused this instrument to be executed on this 1 day of Nov 2022; and COMPAK Inc. by Jerry Baker, its Member, has caused this instrument to be executed on this 1 day of Nov 2022; and COMPAK LLC by Justin Starlin, its President, has caused this instrument to be executed on this 1 day of Nov 2022; and KittyPooClub LLC by Chad Kauffman, its President, has caused this instrument to be executed on this 1 day of Nov 2022.

CITY OF WOOSTER, OHIO

by _____
Robert F. Breneman
Mayor

COMPAK INC.

by _____
Jerry Baker
Owner

**BAKER PROPERTIES, MOUNT
VERNON, LTD.**

by _____
Jerry Baker
Owner / Member

COMPAK LLC

by _____
Justin Starlin
President

KITTYPooCLUB LLC

by _____
Chad Kauffman
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



EZ zone 389

TIRC Zone 389 - Wooster City

Baker Properties Mt Vernon

1909-B Old Mansfield Rd, Wooster Ohio 44691

Parcel: 68-00117.000

Agreement 389-18-01

Execution: 05/14/2018

Expiration: 12/31/2030

Incentive: 10-Year, 75 Percent Real / Personal Property

School District: Wooster City School District

Status
Non-
Compliant

Amendment
Needed



Photo: February 9, 2022

Commitment:	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
Property	\$3,500,000	-	-	-	-	-	-	-	-	-	-	\$2,731,600	\$2,731,600	\$2,731,600
Personal	\$0	-	-	-	-	-	-	-	-	-	-	\$80,000	\$80,000	\$2
Saved Jobs ¹	0	-	-	-	-	-	-	-	-	-	-	0	0	0
Saved Payroll	\$0	-	-	-	-	-	-	-	-	-	-	\$0	\$0	\$0
New Jobs	10	-	-	-	-	-	-	-	-	-	-	21	31	55
New Payroll	\$294,840	-	-	-	-	-	-	-	-	-	-	\$294,840	\$567,000	\$2,060,274
Total Jobs	10	-	-	-	-	-	-	-	-	-	-	21	31	55

Incentive Impacts:	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
Real Taxes Paid	-	-	-	-	-	-	-	-	-	-	\$30,945	\$28,104	\$30,006	\$89,056
Real Taxes Foregone	-	-	-	-	-	-	-	-	-	-	\$92,836	\$84,312	\$90,019	\$267,168
Personal Taxes Paid	-	-	-	-	-	-	-	-	-	-	\$0	\$0	\$0	\$0
Personal Taxes Foregone	-	-	-	-	-	-	-	-	-	-	\$0	\$0	\$0	\$0

Previous Compliance

TIRC last reviewed this agreement on November 29, 2021, when it recommended MODIFICATION of the agreement to include a new tenant, which was approved by Wooster City Council.

Summary

This facility was created to support Compak Inc.'s expansion, with 10 new jobs to be created in the facility and another 39 to be retained within city limits. Compak Inc. had 4 employees citywide in 2021, following a demerger. The facility has surpassed expectations with its two unapproved tenants - Compak LLC (a logistics firm resulting from the demerger with largely the same original staff) and KittyPooClub (a manufacturer). A violation of the EZ agreement occurred because the later tenant was relocated from another leased location in Ohio without prior approval. (Because the relocation occurred *within* the same Enterprise Zone boundary in the City, the Ohio Department of Development advises a State waiver is not required, but local jurisdiction approval remains required.) Relocation to a larger facility was necessary for the tenant and a waiver would likely have been granted to relocate to an exempted facility if requested, potentially outside of the City. Additionally, job commitments are out of compliance as the City has no agreement with an employer other than Compak Inc which is maintaining 4 employees instead of the 49 full-time total employees it was to have in 2021, which it was to sustain through 2038. To sustain an exemption through 2028, the agreement may be modified that commits the retention of at least 10 jobs in Wooster through 2038, as is necessary to ensure compliance with the City's EZ ordinance requiring 2 years of performance for each year of exemption. To maintain the current *level* of exemption, 49 full-time jobs should be committed. **Staff recommendation:** Modify to authorize tenant(s) and to affirm a 2-year commitment for each year of exemption on 49 jobs or equivalent.

RESOLUTION NO. 2022-60

A RESOLUTION AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO ENTER INTO A CONTRACT
WITH THE LOWEST AND BEST BIDDER FOR PRESS
POLYMER FOR WASTE TREATMENT AND ALLOWING
FOR IMMEDIATE ENACTMENT

WHEREAS, this City Council will adopt an annual budget and capital plan for 2023, and such capital plan will include the purchase of polymer for wastewater treatment.

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

SECTION 1. The Director of Administration is authorized to enter into a contract with the lowest and best bidder to purchase polymer for wastewater treatment.

SECTION 2. The cost of such purchase will not exceed the amount that will be budgeted.

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

SECTION 4. This Resolution is 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 prompt action is necessary in order to complete such purchases as it is a necessary material for operations; 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 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: _____ Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2022
Mayor

Introduced by: Jon Ansel

#9
 Neo
 2022-60

Request for Agenda Item

Authorization for Bid



Purchase Capital Item



Non-Capital



Division: Engineering	Meeting Date Requested December 5, 2022
Project Name Press Polymer Contract	Estimated Total Funds/Costs \$60,000 Sanitary Sewer Fund
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded? Funding for this contract will be included in the 2023 Appropriations Budget.	
Description of Request This is a request to authorize the Director of Administration to enter into a contract with the lowest and best bidder for the purchase and delivery of emulsion polymer. The estimate for the one contract is \$60,000. Polymer is used for the belt press to thicken the waste sludge to 6-8% solids prior to entry to the digester system.	
Justification / Benefits Chemicals needed for the bio-solids treatment process.	
Will this Project affect the City's Operating Costs This project should reduce the operating budget at the WRRF.	
What Alternatives Exist and what are the Implications of the Alternatives N/A	
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 of the rules is necessary to allow for the opportunity to advertise and bid this contract out as early as possible.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Mike Fritz	Date: December 28, 2022
Approved for Agenda <input type="checkbox"/> Yes <input type="checkbox"/> No	

RESOLUTION NO. 2022-61

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT(S) WITH THE LOWEST AND BEST BIDDER(S) FOR THE PURCHASE OF CERTAIN MATERIALS FOR THE WATER TREATMENT PLANT AND ALLOWING FOR IMMEDIATE ENACTMENT

WHEREAS, this is a request to authorize advertising and award a contract(s) to the lowest and best bidder(s) for the purchase of certain materials for the water plant, including pebble lime, sodium hypochlorite, and soda ash the cost thereof is anticipated to be budgeted for 2023, and;

WHEREAS, the cost of such contract(s) will not exceed the amounts budgeted for this purpose for 2023.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER:

SECTION 1. In accordance with the estimated needs of the City of Wooster for the proper treatment of water in 2023, the Director of Administration is authorized to advertise according to law and enter into a contract(s) with the lowest and best bidder(s) for the purchase of pebble lime, sodium hypochlorite, and soda ash for the Water Treatment Plant.

SECTION 2. The cost of said materials shall not exceed the amount that will be appropriated.

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

SECTION 4. This Resolution is 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 prompt action is necessary in order to complete such purchases as it is a necessary material for operations; 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 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: Jon Ansel

#8 Res. 2022-61

Request for Agenda Item

Authorization for Bid



Purchase Capital Item



Non-Capital



Division: Engineering	Meeting Date Requested December 5, 2022
Project Name Sodium Hypochlorite Contract	Estimated Total Funds/Costs \$65,000 Water Fund
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded? Funding for this contract will be included in the 2023 Appropriations Budget.	
Description of Request This is a request to authorize the Director of Administration to enter into a contract with the lowest and best bidder for the purchase and delivery of sodium hypochlorite. Chemicals are necessary to maintain water quality and ensure a consistent quality of drinking water. Sodium hypochlorite is used in the treatment process as a disinfectant/antimicrobial agent.	
Justification / Benefits Chemicals needed for the water treatment process.	
Will this Project affect the City's Operating Costs N/A.	
What Alternatives Exist and what are the Implications of the Alternatives N/A	
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 of the rules is necessary to allow for the opportunity to advertise and bid this contract out as early as possible.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Mike Fritz	Date: December 28, 2022
Approved for Agenda <input type="checkbox"/> Yes <input type="checkbox"/> No	

#10

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division: Engineering	Meeting Date Requested December 5, 2022
Project Name Soda Ash Contract	Estimated Total Funds/Costs \$90,000 Water Fund
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded? Funding for this contract will be included in the 2023 Appropriations Budget.	
Description of Request This is a request to authorize the Director of Administration to enter into a contract with the lowest and best bidder for the purchase and delivery of soda ash. Chemicals are necessary to maintain water quality and ensure a consistent quality of drinking water. Soda ash is used in the treatment process to remove elements that cause non-carbonate hardness (anions of sulfate) in the softening process to and improve water aesthetics.	
Justification / Benefits Chemicals needed for the water treatment process.	
Will this Project affect the City's Operating Costs N/A.	
What Alternatives Exist and what are the Implications of the Alternatives N/A	
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 of the rules is necessary to allow for the opportunity to advertise and bid this contract out as early as possible.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Mike Fritz	Date: December 28, 2022
Approved for Agenda <input type="checkbox"/> Yes <input type="checkbox"/> No	

#11

Request for Agenda Item

Authorization for Bid



Purchase Capital Item



Non-Capital



Division: Engineering	Meeting Date Requested December 5, 2022
Project Name Pebble Lime Contract	Estimated Total Funds/Costs \$300,000 Water Fund
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded? Funding for this contract will be included in the 2023 Appropriations Budget.	
Description of Request This is a request to authorize the Director of Administration to enter into a contract with the lowest and best bidder for the purchase and delivery of pebble lime. Chemicals are necessary to maintain water quality and ensure a consistent quality of drinking water. Pebble lime is used in the treatment process to soften the water and to improve water aesthetics.	
Justification / Benefits Chemicals needed for the water treatment process.	
Will this Project affect the City's Operating Costs N/A.	
What Alternatives Exist and what are the Implications of the Alternatives N/A	
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 of the rules is necessary to allow for the opportunity to advertise and bid this contract out as early as possible.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Mike Fritz	Date: December 28, 2022
Approved for Agenda <input type="checkbox"/> Yes <input type="checkbox"/> No	

ORDINANCE NO. 2022-39

AN ORDINANCE AMENDING CHAPTER 162, MANAGEMENT BENEFITS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO AND ALLOWING FOR IMMEDIATE ENACTMENT

WHEREAS, the Director of Administration has recommended that Section 162.03(g) be amended to help with recruiting efforts for individuals with required skills for management positions, and retention of employees.

WHEREAS, the retention of management employees and increased recruitment efforts are beneficial to the City of Wooster.

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

SECTION 1. That Section 162.03(g) of the Codified Ordinances, entitled Vacation Leave, be amended to read as follows:

162.03 LEAVES.

(g) Vacation Leave.

(1) Effective January 1, 2023 and forward, the Mayor or designee, may, at his or her discretion, and taking into consideration all relevant prior experience, set the vacation accrual rate for new Management employees to any of the years of service listed in the schedule included in Section 162.03(g), regardless of actual years of public or private work experience.

~~(1) Effective June 1, 2018 and forward, the Mayor or designee shall permit prior service with any other governmental agencies for any new management employee who is hired from such agency for purposes of computing the amount of the employee's vacation leave. A written statement signed by an appropriate official of such other governmental agency stating the employee's service time shall be provided.~~

(2) Effective January 1, 2023 and forward, the Management employees shall receive vacation based on the following schedule accrual shall be in accordance with the schedule included in Section 162.03(g) based upon actual years of service or the years of service as set pursuant to Section 162.03(g)(1):

Years of Service		Vacation Days Accrued
At Least	But Less Than	Per Month of Service
0	6	1.250 (annually, 15 days)
6	10	1.670 (annually, 20 days)
10		2.084 (annually, 25 days)

(43) Management employees may not accrue vacation leave in excess of the accrual from three years of employment, as calculated in accordance with Section 162.03(g)(2) or (3), above. Any accumulated vacation exceeding that amount shall be forfeited unless the Mayor, in his/her sole discretion, has granted a waiver to the employee, in which case the employee, solely for the purpose of using such excess vacation leave, may exceed the maximum accrual for the period of the waiver, which shall not exceed six months.

(54) Time spent in military service is to be counted as service with the City when determining vacation leave, provided the employee in question was a City employee for at least 120 calendar days before entering military service.

(65) Upon separation from municipal service, employees are entitled to compensation for any unused vacation leave to their credit upon date of separation, but not in excess of the accrual from his/her last three years of employment preceding separation from employment. This payment shall be in addition to any severance pay which may be due.

(76) In case of the death of an employee, the unused accumulated vacation leave shall be paid to the deceased employee's estate.

(87) Vacation Cash-Out Option. Subject to the approval of the Director of Administration, employees will be permitted to "cash out" unused vacation time of up to one-half of their annual accrual once during any calendar year (January through December), provided that the employee must maintain a minimum balance of ten (10) vacation days. The "cash out" rate will be one-hundred percent (100%) of the employee's daily base rate.

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 is 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 prompt action is necessary to protect the public and the City; 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: Bob Reynolds

#13

ORD 2022-39

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Administration	Meeting Date Requested 12-05-22
Project Name Chapter 162 – Management Benefits	Estimated Total Funds/Costs N/A
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED N/A	
If No, How is the Purchase to be Funded?	
Description This is a request to modify the management benefits ordinance to correct an error in the previous update. When updating the vacation portion of management benefits last year in order to offer equitable individual benefits to those offered to all other City employees as defined in their respective collective bargaining agreements (CBAs), the vacation accrual rate for new hires was inadvertently reduced. The vacation accrual rate for entry level management positions had been the same since 2004, but was changed by mistake with 2021 update. The original changes were proposed in an effort to provide attractive benefits in order to retain current staff and attract new staff to management positions. This change also removes the limitation of considering only previous governmental service in calculating vacation for new hires. This would allow any relevant time to be considered. This limitation has been a significant detriment to attracting qualified candidates for management positions. The vacation schedule would still be adhered to and provide caps for vacation accrual.	
Justification / Benefits These changes will standardize benefits for all the City employees and conform management employee benefits to those defined by the CBAs, as well as help with recruiting efforts for individuals with required skills for management positions, and retention of current employees.	
Will this Project affect the City's Operating Costs These changes have minimal effect on operating costs as these are encumbered and paid at the current salary rate.	
What Alternatives Exist and what are the Implications of the Alternatives Leave the ordinance the same, which will not conform benefits for all employees. Reduced Management benefits will limit the number of staff willing to take promotions from the hourly ranks, will limit our ability to attract outside candidates, and increase the possibility of losing employees to other entities.	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Note Reasons Immediate passage is not needed, but approving now would allow these provisions to be incorporated into HR processes and plan for implementation by the first of the year.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Joel Montgomery	Date: 11-29-22
Approved for Agenda <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	