

WHITEHALL CITY COUNCIL COMMITTEE MEETINGS

AGENDA

TUESDAY, JULY 12, 2022

6:30 P.M. – ADMINISTRATION/COUNCIL OF THE WHOLE MATTERS:

THERE ARE EIGHT PIECES OF DRAFT LEGISLATION ON THE AGENDA.

COMMITTEE OF THE WHOLE LEGISLATION/ISSUES:

STANDING COMMITTEES

ADMINISTRATION AND FINANCIAL MANAGEMENT - Chairperson Bailey

Members: Conison, Heck & Smith

DRAFT # 1

ORDINANCE NO. 037-2022 (Adm. & Fin. Mgmt. – 1st reading – ADOPT 07/19/2022- Bailey/)

AUTHORIZING AND APPROVING A FUND TRANSFER IN THE AMOUNT OF ONE HUNDRED TWENTY FIVE THOUSAND AND NO/DOLLARS (\$125,000.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND 101 TO THE ACCRUED BENEFIT RESERVE FUND 505; AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION FROM THE ACCRUED BENEFIT RESERVE FUND 505 TO THE ACCRUED BENEFIT RESERVE EXPENSE ACCOUNT 505.000.51000 IN THE AMOUNT OF ONE HUNDRED AND TWENTY FIVE THOUSAND DOLLARS AND NO/100 (\$125,000.00) AND DECLARING AN EMERGENCY.

WHEREAS, the Accrued Benefit Reserve Fund is used for employee payouts for designated benefits that belong to the employee through their union contract or by codified ordinances upon separation of employment from the City of Whitehall, and

WHEREAS, this fund balance is currently very low and requires additional funding for the remainder of the current fiscal year (2022); NOW, THEREFORE,

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

SECTION 1: That the Council of the City of Whitehall approves a fund transfer in the amount of one hundred twenty five thousand and no/100 dollars from the General Fund 101 to the Accrued Benefit Reserve Fund 505; and this Council also approves a supplemental appropriation in the amount of one hundred twenty five thousand and no/dollars from the Accrued Benefit Reserve Fund 505 to the Accrued Benefit Reserve expense account 505.000.51000.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare and for the further reason monies are to be available for benefit payouts within thirty days of the last day of an employee's employment; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

Requested and Prepared by: Kim Maggard, Mayor
Approved as to form: Michael T. Bivens, City Attorney MTB 7/12/2022

DRAFT # 2
ORDINANCE NO. 038-2022 (*Adm. & Fin. Mgmt. – 1st reading – ADOPT 07/19/2022- Bailey/*)

AUTHORIZING AND APPROVING THE FOLLOWING FUND TRANSFERS AND SUPPLEMENTAL APPROPRIATIONS IN THE TOTAL AMOUNT OF ONE HUNDRED SIXTY THREE THOUSAND AND NO/DOLLARS (\$163,000.00) TO ENSURE EFFECTIVE OPERATIONS FOR THE REMAINDER OF THE 2022 FISCAL YEAR AND DECLARING AN EMERGENCY.

WHEREAS, the following fund transfers and supplemental appropriations are required for effective administration in the following funds and expense accounts for the remainder of the 2022 fiscal year; NOW, THEREFORE,

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

SECTION 1: That the Council of the City of Whitehall, Ohio approves the following fund transfers and supplemental appropriations for the effective administration for the oversight and governance for the City of Whitehall for fiscal year 2022:

<u>Fund Transfer From:</u>	<u>Fund Transfer to:</u>	<u>Supplemental Appropriation amount:</u>
101 General Fund	313 Fleet	313.000.50000 \$35,000.00
101 General Fund	314 Technology	314.000.50000 \$40,000.00
101 General Fund	315 Lifecycle Replacement	315.000.50000 \$15,000.00
101 General Fund	401 Debt Service	401.000.50000 <u>\$73,000.00</u>
		\$163,000.00

SECTION 2: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare and for the further reason operating funds are necessary for operations for the remainder of the year; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

Requested and Prepared by: Kim Maggard, Mayor
Approved as to form: Michael T. Bivens, City Attorney MTB 7/12/2022

DRAFT # 3

ORDINANCE NO. 039-2022 (*Adm. & Fin. Mgmt. – 1st reading – ADOPT 07/19/2022- Bailey/*)

AUTHORIZING AND APPROVING THE FOLLOWING FUND ADVANCES IN THE TOTAL AMOUNT OF NINETY EIGHT THOUSAND, EIGHT HUNDRED TWENTY EIGHT DOLLARS AND .64/100 (\$98,828.64) AND DECLARING AN EMERGENCY.

WHEREAS, due to needed technology expenditures and other expenditures there is an immediate need for fund advances from the General Fund to various non-General funds for the operations of the city, and

WHEREAS, a fund advance means funds will be paid back to the fund in which the advance originated and the general fund will be paid back for this amount during the remainder of the 2022 fiscal year; NOW, THEREFORE,

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

SECTION 1: That the Council of the City of Whitehall, Ohio approves the following fund transfers for the effective accounting and governance of the City of Whitehall.

<u>FUND ADVANCE TRANSFER FROM:</u>	<u>FUND ADVANCE TRANSFER TO:</u>	<u>AMOUNT:</u>
101 General Fund	313 Fleet	\$58,511.21
101 General Fund	314 Technology	\$35,551.12
101 General Fund	315 Lifecycle Replacement	<u>\$ 4,766.31</u>
TOTAL		\$98,828.64

SECTION 2: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare and for the further reason to ensure positive fund balances; WHEREFORE, This Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

DRAFT # 4

ORDINANCE NO. 040-2022 (*Adm. & Fin. Mgmt. – 1st reading – ADOPT 07/19/2022- Bailey/*)

AUTHORIZING AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF ONE THOUSAND FIVE HUNDRED 00/100 DOLLARS (\$1,500.00) FROM UNAPPROPRIATED MONIES IN THE GENERAL FUND (101) TO THE SALES TAX EXPENSE ACCOUNT (856.000.50000) AND DECLARING AN EMERGENCY.

WHEREAS, in 2022 the City of Whitehall began administering the baseball leagues for the residents of Whitehall; and

WHEREAS, the concession stand operations are a part of the overall operation of the leagues; and

WHEREAS, the revenue from the sale of food items for consumption on the premises is subject to Ohio Sales tax which has been collected and accounted for; NOW, THEREFORE,

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

SECTION 1: That the Council of the City of Whitehall, Ohio authorizes and approves a supplemental appropriation in the amount of one thousand five hundred and 00/100 dollars (\$1,500.00) from unappropriated monies General Fund (101) to the Sales Tax Expense Account (856.000.50000) for the purpose of paying collected Sales taxes to the State of Ohio.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare and for further reason that the tax filing and submission is due; WHEREFORE, this ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

COMMUNITY STANDARDS AND ENFORCEMENT – Chairperson Smith
Members: Kantor, Elmore & Dixon

DRAFT # 5

ORDINANCE NO. 041-2022 (*Comm. Stand. & Enf. – 3rd reading – ADOPT 08/16/2022- Smith/*)

AMENDING ORDINANCE NO. 040-2011 TO UPDATE THE TAX EXEMPTIONS AVAILABLE WITHIN THE MAIN STREET RE/DEVELOPMENT DISTRICT COMMUNITY REINVESTMENT AREA.

WHEREAS, this amendment to the Main Street Re/Development District Community Reinvestment Area No. 049-4685-01, which was most recently recertified by the State Department of Development on June 21, 2011, enables the City to revise the requirements for tax incentives in order to update the projects potentially eligible for a tax-exemption under Sections 3735.65 to 3735.70 of the Ohio Revised Code and eliminate the existing tax incentive guidelines; and

WHEREAS, City Council desires to pursue all reasonable and legitimate incentives to assist and encourage economic and community development in specific areas of the City that have not enjoyed sufficient reinvestment from remodeling or new construction; and

WHEREAS, Ordinance No. 19-98, passed April 7, 1998, first authorized the Development Office to carry out a Community Reinvestment Area Program, pursuant to Sections 3735.65 to 3735.70 of the Ohio Revised Code, and

WHEREAS, Ordinance No. 21-98, passed June 15, 1998 first established portions of East Main Street as a community reinvestment area district and authorized the application submitted to the Director of the Ohio Department of Development; and

WHEREAS, Resolution No. 008-2011, passed June 7, 2011, approved updates to the Development Incentive Policy Guidelines for the program first adopted pursuant to Ordinance No. 19-98, passed April 7, 1998, and subsequently amended by Resolution No. 9-98 passed July 7, 1998 then Resolution No. 56-00 passed November 7, 2000; and

WHEREAS, Ordinance No. 040-2011, passed June 21, 2011, amended and restated Ordinance No. 19-98 to amend the tax incentive guidelines; and

WHEREAS, this Council now desires to amend and restate certain sections of Ordinance No. 040-2011 and Exhibit B thereto to “Tax Incentive Guidelines,” attached now as Exhibit A hereto for reference only, and to make all commercial, industrial and residential structures or remodeling eligible for tax exemptions; NOW, THEREFORE,

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

SECTION 1. That the area previously designated as the Main Street Re/Development District Community Reinvestment Area continues to constitute an area in which housing facilities or structures of historical significance are located, and in which new construction or repair of existing facilities has been discouraged as evidenced by the housing survey on file with the Clerk of Council, the findings of which are hereby adopted.

SECTION 2. As shown on Exhibit A hereto, the Main Street Re/Development District Community Reinvestment Area Tax Incentive Guidelines attached as Exhibit B to Ordinance No. 040-2011 are hereby rescinded and deleted, and shall be of no further force or effect.

SECTION 3. That Section 3 of Ordinance No. 040-2011 is amended and restated as follows with underlined text used to mark additions and ~~struck through~~ text used to mark deletions:

SECTION 3. That within the Main Street Re/Development District Community Reinvestment Area, ~~new infill forms of compact, mixed use residential, commercial office and pedestrian oriented retail development; exterior rehabilitation of commercial property, commercial building façade improvements to the property, new construction or existing building expansion, renovations, remodeling, and retrofits and conversions for green building/leadership in energy and environmental design (LEED) certification, for all commercial, industrial and residential structures retail, office, speculative office, office/business services, any medical or multi-use facilities, hotel/conference center, corporate headquarters, high technology, computer, other information-based and back office/call center operations properties used consistent with the applicable zoning regulations, municipal strategic, land use, development or redevelopment plans and the City's East Main Street Special Overlay District — Whitehall Commercial Development Design Standards (WCDDS) will be eligible under this Ordinance to apply for tax exemptions for improvements to real property as described in Section 3735.65 to 3735.70 of the Ohio Revised Code. and sole commercial new retail (outparcel) construction or industrial or residential industrial uses are not eligible to apply for exemptions under this Ordinance.~~

SECTION 4. That Section 4 of Ordinance No. 040-2011 is amended and restated as follows with underlined text used to mark additions and ~~striketrough~~ text used to mark deletions:

SECTION 4. Within the Main Street Re/Development District Community Reinvestment Area, new construction and/or renovation of existing commercial, industrial and residential structures ~~for infill forms of compact, mixed use residential, commercial office and pedestrian oriented retail development; exterior rehabilitation of commercial property, commercial building façade improvements to the property, new construction or existing building expansion, renovations, remodeling, retrofits and conversions for green building/leadership in energy and environmental design (LEED) certification, commercial retail, office, and/or speculative office, office/business services, any medical or multi-use facilities, hotel/conference center, corporate headquarters, high technology, computer, other information-based and back office/call center operations uses~~ is hereby declared to be a public purpose and exempt from real property taxation, and in accordance with the procedures and requirements of Section 3735.67 of the Ohio Revised Code the percentage of the tax exemption on the increase in the assessed valuation resulting from new remodeling or construction improvements to these commercial revitalization projects and the term of those exemptions for commercial or industrial structures shall be negotiated on a case-by-case basis in advance of remodeling or construction, all in accordance ~~the guidelines described in Exhibit "B" attached hereto and incorporated herein by reference, and with the rules outlined in~~ Section 3735.67 of the Ohio Revised Code ~~and the Development Incentive Policy Guidelines as described in "Exhibit B" attached hereto and incorporated herein by reference.~~

The results of the negotiation of any exemption authorized by this Ordinance for commercial or industrial structures shall be set forth in writing in a Community Reinvestment Area Agreement pursuant to and in accordance with Section 3735.671, with each of which agreements shall be in substantially the form as approved by this Council by subsequent ordinance or resolution.

The percentage of the tax exemption on the increase in the assessed valuation resulting from new remodeling or construction improvements for residential structures shall be 100% and the term of those exemptions shall be the number of years set forth in the application for the tax exemption as approved by this Council by subsequent ordinance or resolution, subject to the maximum period of exemption set forth in Section 3735.67 of the Ohio Revised Code. For the purposes of Sections 3735.65 to 3735.70 of the Ohio Revised Code, a structure or remodeling (or portion thereof) composed of multiple residential apartment units is classified as residential.

SECTION 5. That Section 5 of Ordinance No. 040-2011 is amended and restated as follows with underlined text used to mark additions and ~~striketrough~~ text used to mark deletions:

SECTION 5. All commercial and retail projects in the Main Street Re/Development District Community Reinvestment Area No. 049-4685-01 are required to comply with the State of Ohio application fee requirements of Section 3735.672 (C) of the Ohio Revised Code ~~and the local processing/monitoring fees outlined in attached Exhibit "B" to this Ordinance.~~

SECTION 6. That except as amended hereby, Ordinance No. 040-2011 shall remain in full force and effect.

SECTION 7. That the Clerk of Council, the City's Director of Development and other appropriate officers of the City are hereby authorized to publish all required notices, submit all required petitions, and take all other actions necessary to implement this Ordinance.

SECTION 8. The City Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, that all deliberations of this Council and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 9. That this Ordinance is effective on the earliest date permitted by law.

EXHIBIT A

EXHIBIT B
MAIN STREET RE/DEVELOPMENT DISTRICT
COMMUNITY REINVESTMENT AREA
TAX INCENTIVE GUIDELINES

The following guideline updates for the Main Street Re/Development District CRA are consistent with the Development Incentive Policy Guidelines amendment by Resolution No. 008-2011 passed by City Council on June 7, 2011.

Tax incentive benefits will be provided to encourage new business development and private investment and reinvestment, particularly in commercial revitalization, development and re/development of vacant, underutilized and underdeveloped land or facilities with infill, new forms of compact, mixed use residential, commercial office and pedestrian-oriented retail development; exterior rehabilitation of commercial property; commercial building facade improvements to the property, new construction or existing building expansion, renovations, remodeling, retrofits and conversions for green buildings/leadership in energy and environmental design (LEED) certification, commercial retail, office, office/business services, speculative office, any medical or multi-use facilities, hotel/conference center, corporate headquarters, high technology, computer, other information based and back office/call center operations uses.

1. The City designated the Main Street Re/Development District as a Community Reinvestment Area, providing tax abatement on real property improvements based on capital investment according to the following schedule:

New Capital Investment	Minimum Annual Payroll	Rate or Percentage (%) of Tax Abatement	Maximum Term
\$5,000 to \$1,000,000+	\$4,650 to \$9,000+	Sliding scale, declining per year, term average not to exceed 50%	5 years
\$2,500,000+	\$325,000+	Sliding scale, declining per year, term average not to exceed 55%	7 years
\$5,000,000+	\$3,600,000+	Sliding scale, declining per year, term average not to exceed 60%	10 years
\$7,500,000+	\$7,450,000+	Sliding scale, declining per year, term average not to exceed 65%	12 years
\$10,000,000+	\$15,160,000+	Sliding scale, declining per year, term average not to exceed 75%	15 years

~~Front-loading tax abatement incentives on a declining scale decrease upfront costs borne by business and development as they minimize initial costs and risks, while their cumulative value will maximize an immediate impact on a project's bottom line.~~

~~Capital investment defined as the total dollar amount of expected "new" investment at the project site in the following:~~

~~Real Property Improvements—acquisition/assemblage of land and/or buildings, construction of new buildings; expansion, renovations, remodeling, retrofits and conversions of existing buildings.~~

~~Personal Property Improvements—machinery and equipment, furniture and fixtures, and inventory.~~

- ~~2. The term and percentage of tax abatement is based on minimum capital investment of \$5,000 to \$10,000,000+, and the number of jobs created/retained and annual income tax for the City is based on minimum annual payroll of \$4,650 to \$15,160,000+.~~
- ~~3. Maximum term of the abatement shall be (negotiated—up to 12 years) for existing commercial facilities remodeling or (negotiated—up to 15 years) for new commercial construction as described in ORC Section 3735.67.~~
- ~~4. Projects considered as eligible for abatement may consist of exterior rehabilitation of commercial property, commercial building facade improvements, demolition of on-site building or structures to clear the way for improvements to the property, new building construction, existing building expansion, renovations, remodeling, retrofits and/or conversions for mixed use residential, commercial and pedestrian-oriented retail development, green buildings/leadership in energy and environmental design (LEED) certification, commercial retail, office, office/business services, speculative office, any medical or multi-use facilities and hotel/conference center, corporate headquarters, high technology, computer, other information-based, and back-office/call center operations uses. Speculative (those that have no pre-leasing commitment) or partially speculative (those that exhibit some pre-leasing commitment) building, renovation or expansion is eligible. Consideration will be given to other unique projects including:
 - ~~a) Fill, redevelop and/or re-tenant existing vacant commercial space or developable land with mixing of uses (office, hotel, other services) combining retail with residential, hotel, hospitality, conference center and lodging facilities, and/or office elements include, but are not limited to, business and information technology services, communications firms, finance insurance and real estate services, media companies including printing/publishing, graphic design and marketing, medical services including doctor's office, dental offices, surgical centers, urgent care, eye care, medical labs, centers for integrated health that feature(s) technologically advanced treatments, specialty inpatient or outpatient orthopedic, neurological and musculoskeletal care, state of the art healthy lifestyles, executive/destination health assessment programs, healing hyperbaric, among others. Existing buildings along East Main Street are envisioned as renovated, retrofitted, or demolished and replaced by new, infill construction with retail and other services at street level, and a mix of offices and housing on the upper floors;~~
 - ~~b) Compact, mixed-use commercial development can provide an attractive, convenient, stylish setting for residents and a captive market for retailers. New building construction, renovation and/or expansion of existing structures may be build to suit, speculative (those that have no pre-sale or leasing commitment) or partially speculative (those that exhibit some pre-sale or leasing commitment) development projects;~~
 - ~~c) Intersections provide opportunities for higher density, mixed-use development that is integrated vertically within buildings and/or horizontally with the incorporation of adjacent properties. A comprehensive package~~~~

~~of retail, entertainment, overnight accommodations, culture, transportation, and other pedestrian-friendly amenities will add tremendous value to the community core market and housing;~~

- ~~d) Multiple types of commercial buildings and uses of various sizes and configurations organized horizontally and vertically;~~
 - ~~e) A mix of uses integrated in a single structure, in structures side-by-side, or on block-by-block basis characterized by one- to two-story commercial structures, up to three- to five-story mixed-use buildings;~~
 - ~~f) Mixing uses (office, hotel, retail, entertainment, other services) that create a sense of place for this major commercial corridor area, destination to attract a variety of people for many different purposes and encourage them to visit often or improve Whitehall's chances of standing out—of getting its share of new business and development investment;~~
 - ~~g) Advance hotel development that fills out the various market segment, particularly full-service overnight accommodations and encouraging related facilities/uses including but not limited to banquet, meeting, conference, training, restaurant and entertainment facilities; and~~
 - ~~h) For re/development in area with big box availability consideration will be given to think outside the box including a mix of uses — like office, hotel/hospitality, call center, community medical services/health care, other business and professional services, etc. — for combining with, encouraging and strengthening retail opportunities.~~
- ~~5. There shall be no abatement for sole commercial new retail (outparcel) construction, industrial or residential uses.~~
 - ~~6. To be eligible, Projects must conform to the applicable zoning regulations, municipal strategic, land use, development or redevelopment plans and the East Main Street Special Overlay District—Whitehall Commercial Development Design Standards (WCDDS). New building construction and expansion projects must achieve a minimum standard for commercial property tax revenue generation of \$6,500 per acre = \$0.15 per square foot of land developed or redeveloped. New forms of compact, mixed-use residential, commercial office and pedestrian-oriented retail development projects must also achieve a minimum standard for mixing uses of 50% (office) and 50% (retail/residential). In other words, the minimum office space component of the project must equal the retail/residential other space components. For speculative projects (i.e., those development projects that have no pre-leasing commitments), tenants must exhibit some modest level of job growth (not just a relocation). For partially-speculative projects (i.e., those development projects that exhibit some pre-leasing commitment), tenant must also agree to a third-party agreement complying with typical City CRA agreements.~~
 - ~~7. Existing land values and existing building values, as appraised prior to completion of the project (private improvements), are not eligible for abatement.~~
 - ~~8. The Project must not have already started at the proposed site. In other words, no requests for retroactive abatement can or will be considered.~~
 - ~~9. The Project must physically be located within the boundaries of the Main Street Re/Development District Community Reinvestment Area.~~
 - ~~10. Businesses moving from another location within Whitehall are eligible if it can be shown that the current business location cannot accommodate growth.~~

11. ~~Companies shall agree to stay in the City for a period 1.5 times the term of the abatement. Failure to comply with this provision requires repayment of the full amount of abated taxes.~~
12. ~~Applicants shall maintain the total new capital investment at the project site for 1.5 times the term of the abatement and/or overlapping TIF granted, whichever is greater. Failure to comply with this provision requires repayment of the full amount of abated taxes. Such amount may be certified and placed on the tax duplicate of Franklin County and be deemed to have the full force and effect of a tax lien upon the real and personal property of the Applicants under the laws of the State of Ohio.~~
13. ~~Companies shall maintain a membership in the Whitehall Area Chamber of Commerce.~~
14. ~~Priority will be given to projects that strive to create job opportunities, whose wage level is 150% of State of Ohio's minimum wage. Companies shall agree to the fullest extent possible to hire residents of Whitehall.~~
15. ~~The City will accept applications until December 31, 2013, at which time the CRA designation will be reevaluated. In other words, abatements will be granted only for projects completed in the next two years.~~
16. ~~Agreements will be executed prior to the project going forward, describing the commitments/obligations of each party, except for residential projects. Be advised, value on the building permit filed with the City which gets filed with the Franklin County Auditor's office for tax purposes, is to match the CRA Agreement commitment for new construction or existing building expansion, renovations, remodeling, retrofits and conversions. In other words, the CRA Agreement is to reflect anticipated building cost i.e., hard costs. The project cost assigned on the building permit is the value used for tax valuation and abatement purposes.~~
17. ~~Applications will be submitted to the Whitehall Development Office. A non-refundable processing/monitoring fee of \$750 will be charged and shall be due with this application submission. In addition, applicants shall be responsible for direct payment of any required newspaper publication costs of public notice.~~
18. ~~A separate one-time fee of \$750 will be charged by the State and collected by the City with each CRA application. Any application submitted without the required fees will be returned to the applicant.~~
19. ~~The City has the sole discretion to accept or reject any application submitted hereunder.~~

DRAFT # 6

ORDINANCE NO. 042-2022 (*Comm. Stand. & Enf. – 3rd reading – ADOPT 08/16/2022- Smith/*)

AMENDING THE ZONING MAP ATTACHED TO CHAPTER 1122 OF THE 1970 CODIFIED ORDINANCES OF THE CITY OF WHITEHALL, OHIO AND AS SUBSEQUENTLY AMENDED, AMENDING THE PLANNED UNIT DEVELOPMENT (PUD) APPROVED ON NOVEMBER 2, 2021 FOR THE PROPERTY LOCATED ON EAST BROAD ST, HAMILTON RD, AND POTH RD, PARCEL NUMBERS LISTED IN APPEDNIX A, PROPERTY OWNED BY CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

WHEREAS, Council passed Ordinance 098-2021 approving a Planned Unit Development (PUD) zoning for the property located on the north side of Broad St. east of Hamilton Rd., and south of Poth Rd., property that was previously the Woodcliff Condominium Complex and the former driving range and indoor golf complex from A-2, EU and FP to PUD; and

WHEREAS, City of Whitehall desires to update the approved PUD to increase the density of phase 1; and

WHEREAS, this Ordinance was referred to the Planning Commission (Case No. _____), which reported a _____ recommendation, on said request; and

WHEREAS, Council has held a Public Hearing after due notice according to law; NOW, THEREFORE,

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

SECTION 1: That the Zoning Map attached to Chapter 1122 of the 1970 Codified Ordinances of the City of Whitehall, Ohio and as subsequently amended, be and the same is hereby amended by amending the PUD for parcels listed in Appendix A.

SECTION 2: That the City Administrator be and is hereby authorized and directed to proceed with the prescribed ordinance directing the City Engineer to change the Official Zoning Map of the City of Whitehall.

SECTION 3: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare, and for the further reasons: that this development will increase the usable acreage of Whitehall Community Park, that publicly owned greenspace is integrated and intertwined throughout the development, that the City has received multiple millions worth of grants for infrastructure, removal of blighted structures and community amenities as part of the development that were awarded based on the new development, that this development will include the installation of shared use paths that are necessary to connect Whitehall to the Central Ohio Greenways Trail, and that this development will result in a substantial economic benefit to City revenue through construction, temporary and permanent jobs on the site; WHEREFORE, this Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

COMMUNITY AND ELDER ADVOCACY – Chairperson Dixon
Members: Bailey, Heck & Smith

No drafts or pending legislation.

ECONOMIC DEVELOPMENT – Chairperson Kantor
Members: Conison, Elmore & Smith

DRAFT # 7

ORDINANCE NO. 043-2022 (*Economic Dev. – 3rd reading – ADOPT 08/16/2022- Kantor/*)

APPROVING COMMUNITY REINVESTMENT AREA REAL PROPERTY TAX EXEMPTION APPLICATIONS FOR YEARLING RICKENBACKER DEVELOPMENT GROUP LLC, WHITEHALL COMMUNITY IMPROVEMENT CORPORATION, YEARLING GREEN 1, LLC, OR THEIR RESPECTIVE DESIGNEES AND DECLARING AN EMERGENCY.

WHEREAS, this Council, by its Ordinance No. 20-98 (as subsequently amended by Ordinance No. 57-98, 008-2011, 048-2011, No. 002-2016 and No. 058-2021, the “CRA Ordinance”) created the Towne Square District Community Reinvestment Area (the “CRA”); and

WHEREAS, this City desires to encourage the redevelopment of real property and the creation of housing and employment opportunities within the CRA; and

WHEREAS, Yearling Rickenbacker Development Group LLC and Whitehall Community Improvement Corporation desires to invest approximately \$7 million to construct 12 townhomes and 24 residential apartment units on an approximately 2 acre site on parcels #090-004343, 090-004341, 090-004340, 090-004338 and 090-004247, located at 538 – 560 South Yearling Road (the “Yearling Rickenbacker Project”), and have submitted an application requesting a 15-year, 100% real-property tax exemption for the Yearling Rickenbacker Project; and

WHEREAS, Yearling Green 1, LLC (together with Yearling Rickenbacker Development Group LLC and Whitehall Community Improvement Corporation, the “Applicants”) desires to invest approximately \$3 million to construct 20 new townhomes on an approximately 6.2 acre site on parcel #090-008215-00, located at 4218 – 4238 Rickenbacker Avenue (the “Yearling Green Project”, with the Yearling Green Project and the Yearling Rickenbacker Project, each referred to herein as a “Project” and together the “Projects”), and have submitted an application requesting a 15-year, 100% real-property tax exemption for the Yearling Green Project (such application, together with the application submitted for the Yearling Rickenbacker Project, the “CRA Applications”); and

WHEREAS, in order the facilitate the completion of the Projects and the creation of the related housing and employment opportunities, this Council desires to grant to the Applicants and their successors and assigns a 15-year, 100% real-property tax exemption for each of the Projects (the “CRA Exemptions”); and

WHEREAS, notices of the CRA Applications have been delivered to the Board of Education of the Whitehall City School District and the Eastland Joint Vocational School District in accordance with Ohio Revised Code Section 5709.83; NOW; THEREFORE:

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

SECTION 1: The City grants the CRA Exemptions for the Projects pursuant to Ohio Revised Code Section 3735.67 which exemption shall be in the amount of 100% for a period of 15 years commencing for each Project in the first year for which the improvements for that Project would first be taxable were those improvements not exempted from taxation. The City may revoke the CRA Exemption for a Project if the owner of that Project does not comply with the declaration of covenants recorded by the owner in favor of the City. Pursuant to and for purposes of Ohio Revised Code Section 3735.66, this Council finds and determines that the Projects are composed of multiple residential units and shall be classified as residential. This Council further declares that the real property tax exemption granted by this ordinance is senior to the tax increment financing real property tax exemption granted pursuant to Ordinance 102-05 or any other real property tax exemption granted pursuant to Ohio Revised Code Section 5709.40.

SECTION 2: This Council further hereby authorizes the Mayor, the City Administrator and the City Attorney, and other appropriate officers of the City, to sign those instruments and make those arrangements as are necessary carry out the purposes of this ordinance.

SECTION 3: This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and any of its committees and that all deliberations of this Council or any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law, including Ohio Revised Code Section 121.22.

SECTION 4: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, safety and welfare, and for the further reasons: that the City will rent approximately 2,500 square feet of ground floor commercial space for \$1 dollar a year for the length of the incentive, the development will add additional public parking to the Town Square District, the type of mixed-use development is consistent with both the Whitehall Comprehensive Blueprint and the recently adopted corridor concepts; WHEREFORE, this Ordinance shall go into full force and effect immediately upon its passage and approval by the Mayor.

DRAFT # 8

ORDINANCE NO. 044-2022 (*Economic Dev. – 3rd reading – ADOPT 08/16/2022- Kantor/*)

APPROVING A COMMUNITY REINVESTMENT AREA REAL PROPERTY TAX EXEMPTION APPLICATION FOR BUCKEYE APARTMENTS LLC OR ITS DESIGNEE AND AUTHORIZING THE EXECUTION OF A MASTER COMMUNITY REINVESTMENT AREA AGREEMENT FOR THE PROVISION OF A REAL PROPERTY TAX ABATEMENTS WITHIN THE EAST BROAD STREET DISTRICT COMMUNITY REINVESTMENT AREA IN ACCORDANCE WITH A DEVELOPMENT AGREEMENT AND FOR THE PURPOSE OF ENCOURAGING THE CREATION OF NEW JOBS WITHIN THE CITY; AND DECLARING AN EMERGENCY.

WHEREAS, this Council, by its Ordinance No. 58-98 (as subsequently amended, the “CRA Ordinance”) created the East Broad Street District Community Reinvestment Area (the “CRA”); and

WHEREAS, the City of Whitehall, Ohio (the “City”) desires to encourage the development of real property and the creation of employment opportunities within the CRA; and

WHEREAS, the City has acquired thirty-seven acres of real property near or within the CRA and on the northeast corner of Hamilton Road and Broad Street in the City commonly known as the Woodcliff property, and the City desires to have the existing blighted structures on the Woodcliff property demolished and the property redeveloped with a mix of residential and commercial uses, including affordable rental housing, for-sale single family housing, retail uses and office uses, among others, and related public infrastructure improvements (the “Redevelopment Project”); and

WHEREAS, the City entered into a Master Development Agreement with Buckeye Apartments LLC, dated September 18, 2020 (the “Development Agreement”), pursuant to which the City agrees to grant certain real property tax abatements on a structure by structure basis in support of the Redevelopment Project; and

WHEREAS, in order the facilitate the completion of the Redevelopment Project in compliance with the Development Agreement, this Council desires to grant a 15-year, 100% real-property tax exemption for each residential structure (single family and multifamily) within the Redevelopment Project on a structure by structure basis (the “Residential CRA Exemptions”), and Buckeye Apartments LLC has submitted an application to the City for the Residential CRA Exemptions (the “Residential CRA Application”); and

WHEREAS, in order the facilitate the completion of the Redevelopment Project in compliance with the Development Agreement, this Council desires to grant a 15-year, 50% real-property tax exemption for each commercial structure (office and retail) within the Redevelopment Project on a structure by structure basis (the “Commercial CRA Exemptions”); and

WHEREAS, this Council desires to provide for the execution and delivery of a Community Reinvestment Area Agreement (the “Commercial CRA Agreement”) to provide for the Commercial CRA Exemptions; and

WHEREAS, this Council finds and determines that notice of the proposed execution of the Residential CRA Application and the Commercial CRA Agreement has been delivered to the Boards of Education of the Whitehall City School District and the Eastland Joint Vocational School District in accordance with RC 5709.83; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Whitehall, Franklin County, Ohio, that:

SECTION 1: The City grants the Residential CRA Exemptions for the Redevelopment Project pursuant to Ohio Revised Code Section 3735.67 which exemptions shall be in the amount of 100% for a period of 15 years for each separate residential structure within the Redevelopment Project commencing for each structure in the first year for which that structure would first be taxable if it was not exempted from taxation (provided that the City and the owner of any structure may delay the start date of the exemption for one year if there is a partial construction value for the structure). The City may revoke the Residential CRA Exemption for a parcel if the owner of that parcel does not comply

with any covenants recorded by the owner (or its predecessor) in favor of the City. Pursuant to and for purposes of Ohio Revised Code Section 3735.66, this Council finds and determines that structures within the Redevelopment Project composed of multiple residential units and shall be classified as residential. This Council further declares that the Residential CRA Exemptions granted by this ordinance are senior to any tax increment financing real property tax exemptions granted pursuant to Ohio Revised Code Section 5709.40, Section 5709.41 or Chapter 725.

SECTION 2: The City, assuming continuing compliance with the Commercial CRA Agreement, grants the Commercial CRA Exemptions for the improvements to each separate structure of the Redevelopment Project site pursuant to RC 3735.67 which exemption shall be in the amount of 50% for a period of 15 years commencing for each structure in the first year for which the structure would first be taxable if it was not exempted from taxation (provided that the City and the owner of any structure may delay the start date of the exemption for one year if there is a partial construction value for the structure). This Council finds and determines that the foregoing abatement terms are consistent with the requirements of the CRA Ordinance as amended. This Council further declares that the Commercial CRA Exemptions granted by this ordinance are senior to any tax increment financing real property tax exemptions granted pursuant to Ohio Revised Code Section 5709.40, Section 5709.41 or Chapter 725.

SECTION 3: The Commercial CRA Agreement in the form presently on file with the Clerk of Council, providing for, among other things, the provision of the real property tax exemption for the commercial structures within the Redevelopment Project and waiver of the fees provided for in Ohio Revised Code Section 3735.671, is hereby approved and authorized with changes therein and completions and amendments thereto not inconsistent with this ordinance and not substantially adverse to this City and which shall be approved by the Mayor. The Mayor, for and in the name of this City, is hereby authorized to execute and deliver that Commercial CRA Agreement and any amendments or supplements thereto, provided further that the approval of changes and completions or amendments thereto by that official, and their character as not being substantially adverse to the City, shall be evidenced conclusively by the Mayor's execution thereof. This Council further hereby authorizes the Mayor, the City Administrator and the City Attorney, and other appropriate officers of the City, to sign those instruments and make those arrangements as are necessary carry out the purposes of this ordinance.

SECTION 4: This Council further hereby authorizes the Mayor, the City Administrator, the City Attorney, the City Auditor and other appropriate officers of the City, to sign such documents, including Assumption Agreements attached to the Commercial CRA Agreement, and take such actions as are necessary carry out the purposes of this ordinance and grant the real property tax abatements in accordance with the Residential CRA Application, the Commercial CRA Agreement and the Development Agreement.

SECTION 5: The City Administrator is authorized and directed to forward an executed copy of the Commercial CRA Agreement to the Director of the Ohio Department of Development within 15 days following the execution of the CRA Agreement.

SECTION 6: This Council determines that all formal actions of this Council concerning and relating to the passage of this ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Ohio Revised Code Section 121.22.

SECTION 7: This Council declares this ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare. The reason for the emergency is to induce Buckeye Apartments LLC to proceed immediately with the first phase of the Redevelopment Project so that demolition of the existing structures on the Woodcliff property, and construction of the new improvements, can commence as soon as possible, all to remove blighted conditions, create new housing opportunities, and preserve and create both construction and full time employment opportunities in order to preserve and increase the public peace, health, safety

and welfare of the citizens of the City; therefore, this ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

Requested and Prepared by: Zach Woodruff, City Administrator
Approved as to form: Michael T. Bivens, City Attorney MTB 07/12/2022

INFRASTRUCTURE, MAINTENANCE AND SERVICES – Chairperson Conison
Members: Bailey, Kantor & Dixon

No drafts or pending legislation.

PUBLIC SAFETY – Chairperson Elmore
Members: Bailey, Heck & Dixon

No drafts or pending legislation.

PARKS AND RECREATION – Chairperson Heck
Members: Kantor, Conison & Elmore

No drafts or pending legislation.