

**WHITEHALL CITY COUNCIL COMMITTEE MEETINGS**

**AGENDA**

**TUESDAY, NOVEMBER 22, 2022**

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

**THERE IS **ONE** PIECE OF DRAFT LEGISLATION ON THE AGENDA.**

**COMMITTEE OF THE WHOLE LEGISLATION/ISSUES:**

**SECOND READING:**

ORDINANCE NO. 080-2022 (*Comm. Of the Whole – 3rd reading – ADOPT 12/20/2022- Dixon/Heck*)

MAKING APPROPRIATIONS FOR GENERAL FUND (101) EXPENSES, STREET (201) EXPENSES AND STATE HIGHWAY MATERIALS (211) EXPENSES DURING THE PERIOD OF JANUARY 1, 2023 TO DECEMBER 31, 2023 IN THE TOTAL SUM OF FORTY SIX MILLION, SEVEN HUNDRED FOUR THOUSAND, NINE HUNDRED EIGHTY NINE AND NO/DOLLARS **(\$46,704,989.00)** AND DECLARING AN EMERGENCY.

ORDINANCE NO. 081-2022 (*Comm. Of the Whole – 3rd reading – ADOPT 12/20/2022-Conison/Elmore*)

AN ORDINANCE AMENDING THE WATER SURCHARGES IN SECTION 913.30 SANITARY REGULATIONS IN AND FOR THE CITY OF WHITEHALL, OHIO.

ORDINANCE NO. 082-2022 (*Comm. Of the Whole – 3rd reading – ADOPT 12/20/2022-Heck/Conison*)

AUTHORIZING AN APPROPRIATION FOR SPECIAL REVENUE, INTERNAL SERVICE AND FIDUCIARY EXPENSE ACCOUNTS FOR THE CALENDAR YEAR 2023 IN THE TOTAL SUM OF FORTY THREE MILLION, THREE HUNDRED SIXTY TWO THOUSAND, FOUR HUNDRED EIGHTY DOLLARS AND FIFTY-SIX CENTS **(\$43,362,480.56)** AND DECLARING AN EMERGENCY.

ORDINANCE NO. 083-2022 (*Comm. Of the Whole – 3rd reading – ADOPT 12/20/2022- Elmore/Smith*)

AUTHORIZING AND APPROVING THE FOLLOWING CHANGES TO 161.38 AND DECLARING AN EMERGENCY.

ORDINANCE NO. 084-2022 (*Comm. Of the Whole – 3rd reading – ADOPT 12/20/2022-Heck/Dixon*)

AUTHORIZING AND APPROVING AMENDMENT OF 161.39 (a) OF THE CODIFIED ORDINANCES OF THE CITY OF WHITEHALL AND DECLARING AN EMERGENCY.

ORDINANCE NO. 085-2022 (*Comm. Of the Whole – 3rd reading – ADOPT 12/20/2022-Smith/Heck*)  
AUTHORIZING AND APPROVING AN AMENDMENT TO THE CODIFIED ORINANCES OF THE  
CITY OF WHITEHALL 161 TABLE OF AUTHORIZED PERSONNEL FOR THE FISCAL YEAR  
2023 AND DECLARING AN EMERGENCY.

**STANDING COMMITTEES**

**ADMINISTRATION AND FINANCIAL MANAGEMENT - Chairperson Bailey**  
**Members: Conison, Heck & Smith**

No drafts or pending legislation.

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

**SECOND READING:**

ORDINANCE NO. 087-2022 (*Comm.Stand. & Enf– 3rd reading – ADOPT 12/20/2022-Smith/* )  
ENACTING GENERAL OFFENSE(S) 517.45 DISTRIBUTION OF TOBACCO PRODUCTS  
WITHOUT A LICENSE AND 517.46 ILLEGAL DISTRIBUTION OF TOBACCO PRODUCTS OF  
THE WHITEHALL CITY CODIFIED ORDINANCES.

ORDINANCE NO. 088-2022 (*Comm.Stand. & Enf– 3rd reading – ADOPT 12/20/2022-Smith/* )  
AN ORDINANCE ADOPTING CHAPTER 741 OF THE WHITEHALL CODIFIED ORDINANCES  
TO ESTABLISH THE TOBACCO PRODUCTS SALES LICENSING PROGRAM, AND DECLARING  
AN EMERGENCY.

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

No drafts or pending legislation.

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

**DRAFT #1**

**ORDINANCE NO. 092-2022** (*Economic Development– 3rd reading – ADOPT 01/03/2023-Kantor/* )

AMENDING ORDINANCE NO. 52-2011 TO UPDATE THE TAX EXEMPTIONS AVAILABLE WITHIN THE HAMILTON ROAD COMMUNITY REINVESTMENT AREA.

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**WHEREAS**, this amendment to the Hamilton Road District Community Reinvestment Area No. 049-84742-03 which was most recently recertified by the State Department of Development on January 24, 2012, 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. 052-2011, passed August 16, 2011, to create and establish the “Hamilton Road District Community Reinvestment Area;” and

**WHEREAS**, this Council now desires to amend and restate certain sections of Ordinance No. 052-2011 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 Hamilton Road 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.

**SECTION 2.** As shown on Exhibit A hereto, the Hamilton Road District Community Reinvestment Area Tax Incentive Guidelines attached as Exhibit B to Ordinance No. 052-2011 are hereby rescinded and deleted, and shall be of no further force or effect.

**SECTION 3.** That Section 3 of Ordinance No. 052-2011 is amended and restated as follows with underlined text used to mark additions and ~~strikethrough~~ text used to mark deletions:

**SECTION 3.** That within the Hamilton Road 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, 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, and the Hamilton Road 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, industrial or residential uses are not eligible to apply for exemptions under this Ordinance.~~

**SECTION 4.** That Section 4 of Ordinance No. 052-2011 is amended and restated as follows with underlined text used to mark additions and ~~strikethrough~~ text used to mark deletions:

SECTION 4. Within the Hamilton Road 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, 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 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 with 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 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 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. 052-2011 is amended and restated as follows with underlined text used to mark additions and ~~strikethrough~~ text used to mark deletions:

SECTION 5. All commercial and retail projects in the Hamilton Road District Community Reinvestment Area 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. 052-2011 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 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.

Requested and prepared by: Zachary Woodruff, City Administrator  
Approved as to form by: Michael T. Bivens, City Attorney MTB 11/22/2022

**EXHIBIT A**

**EXHIBIT B**

**HAMILTON ROAD DISTRICT COMMUNITY  
REINVESTMENT AREA TAX INCENTIVE  
GUIDELINES**

The following guidelines proposed for the Hamilton Road 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 shall designate the Hamilton Road District as a Community Reinvestment Area, providing tax abatement on real property improvements based on capital investment according to the following schedule:

<u>New Capital Investment</u>	<u>Minimum Annual Payroll</u>	<u>Rate or Percentage(%) of Tax Abatement</u>	<u>Maximum Term</u>
\$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 Hamilton Road 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 Hamilton Road 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 Hamilton Road 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.~~

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

**THIRD READING:**

ORDINANCE NO. 078-2022 (*Infra. Maint. & Srvs. – 3rd reading – ADOPT 12/06/2022- Conison/Kantor*)

GRANTING AN EASEMENT TO AEP OHIO ON PARCEL 090-008428-00 AS DESCRIBED IN ATTACHMENT A.

RESOLUTION NO. 035-2022 (*Infra. Maint. & Srvs. – 3rd reading – ADOPT 12/06/2022- Conison/Dixon*)

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR MUNICIPAL BRIDGE INSPECTIONS FOR 2023 AND DECLARING AN EMERGENCY.

**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.