

November 17, 2022

ECONOMIC DEVELOPMENT COMMITTEE

November 21, 2022

Council Chambers

Following Service Committee

Committee and Council Meetings can be viewed by accessing YouTube

AGENDA

1. Consider **Ordinance No. 22-47** AMENDING ORDINANCE NO. 06-61 TO INCLUDE ADDITIONAL PUBLIC INFRASTRUCTURE IMPROVEMENTS RELATED TO AN EXISTING TAX INCREMENT FINANCING EXEMPTION IN THE CITY OF NEWARK, OHIO GRANTED PURSUANT TO SECTION 5709.40 (b) OF THE OHIO REVISED CODE (MT. VERNON ROAD TIF) AND AUTHORIZING A SUPPLEMENT TO THE REVENUE SHARING AGREEMENT WITH NEWARK CITY SCHOIOL DISTRICT.

1. Other items at the discretion of the chair.

ORDINANCE NO. 22-47

BY _____

AMENDING ORDINANCE NO. 06-61 TO INCLUDE ADDITIONAL PUBLIC INFRASTRUCTURE IMPROVEMENTS RELATED TO AN EXISTING TAX INCREMENT FINANCING EXEMPTION IN THE CITY OF NEWARK, OHIO GRANTED PURSUANT TO SECTION 5709.40(B) OF THE OHIO REVISED CODE (MT. VERNON ROAD TIF) AND AUTHORIZING A SUPPLEMENT TO THE REVENUE SHARING AGREEMENT WITH NEWARK CITY SCHOOL DISTRICT

WHEREAS, on December 18, 2006, the Council of the City of Newark (“**City Council**”) adopted Ordinance No. 06-61 declaring to be a public purpose improvements to certain parcels within the City of Newark (the “**City**”) and establishing a tax increment equivalent fund (such ordinance being the “**TIF Ordinance**” and the tax increment financing program established thereby being hereinafter the “**TIF**”); and

WHEREAS, pursuant to the TIF Ordinance, City Council declared its intention to provide for certain public infrastructure improvements from the revenues generated by the TIF (the “**Public Infrastructure Improvements**”); and,

WHEREAS, Section 5 of the TIF Ordinance specifically provides that the City Council may designate by ordinance additional Public Infrastructure Improvements to be provided for from the revenues generated by the TIF; and,

WHEREAS, City Council wishes to designate additional Public Infrastructure Improvements under the TIF; and

WHEREAS, the City has previously entered into a Revenue Sharing Agreement with the Newark City School District (the “**School District**”) dated as of December 19, 2006 (as supplemented by that certain Supplemental Revenue Sharing Agreement dated as of February 3, 2020, the “**Revenue Sharing Agreement**”) pursuant to which the City and the School District agreed as to certain terms related to the compensation of the School District for revenues foregone as a result of the TIF; and,

WHEREAS, on November 18, 2022, this Board notified the School District Board of Education and the Board of Education of the Career & Technology Education Centers of Licking County, of its intention to amend Ordinance No. 06-61 and on _____, 2022 the School District approved such amendment; and

NOW, THEREFORE, BE IT ORDAINED by the Council of City of Newark, State of Ohio, that;

City Council hereby finds and declares, to wit:

Section 1. The following public infrastructure improvements are hereby designated as additional Public Infrastructure Improvements made, to be made, or in the process of being made by the City that directly benefit, or that once made will directly benefit, the Parcels (as that term is defined in the TIF Ordinance):

1. Improvements to the intersection at Waterworks Road with Horns Hill Road, and to Horns Hill Road north of this intersection, and all associated improvements and related costs which will consist of the following:

construction of a roundabout and widened roadway section including curb and gutters; roadway reconstruction to improve pavement grades and sight distances; future realignment of the above roadways in order to accommodate increased traffic demands; any work to the adjacent bridge to facilitate roadway approach changes, pavement resurfacing and reconstruction, including berms; installation or replacement of public utilities which would include water mains, sanitary sewer and storm sewer; stormwater improvements including installing curbs and gutters, drainage piping, ditching and grading; street lighting, traffic signage, striping and signalization; sidewalks, bikeways and decorative landscaping; relocation of and/or burial of gas, electric and communications service facilities; survey work; engineering studies and preliminary and final design engineering and other related professional costs; soil borings and geotechnical engineering; right-of-way or real estate acquisition and all associated costs; inspection fees; construction staking; and all other costs and improvements necessary and appurtenant thereto.

2. Improvements to Baker Boulevard, located west of North 21st Street, extending west to Evans Boulevard, and all associated improvements and related costs which will consist of the following:

construction of a bridge spanning Log Pond Run Diversion Channel on a new roadway alignment; roadway reconstruction to improve pavement grades and sight distances; future extension and realignment of the above roadways in order to accommodate increased traffic demands; pavement resurfacing and reconstruction, including berms; installation or replacement of public utilities which would include water mains, sanitary sewer and storm sewer; stormwater improvements including installing curbs and gutters, drainage piping, ditching and grading; street lighting, traffic signage, striping and signalization; sidewalks, bikeways and decorative landscaping; relocation of and/or burial of gas, electric and communications service facilities; survey work; engineering studies and preliminary and final design engineering and other related professional costs; soil borings and geotechnical engineering; right-of-way or real estate acquisition and all associated costs; inspection fees; construction staking; and all other costs and improvements necessary and appurtenant thereto

3. Together with such other public roads and highways; water and sewer lines; the continued maintenance of those public roads and highways and water and sewer lines;

environmental remediation; land acquisition, including acquisition in aid of industry, commerce, distribution, or research; demolition, including demolition on private property when determined to be necessary for economic development purposes; stormwater and flood remediation projects, including such projects on private property when determined to be necessary for public health, safety, and welfare; the provision of gas, electric, and communications service facilities, including the provision of gas or electric service facilities owned by nongovernmental entities when such improvements are determined to be necessary for economic development purposes; off-street parking facilities, including those in which all or a portion of the parking spaces are reserved for specific uses when determined to be necessary for economic development purposes; and the enhancement of public waterways through improvements that allow for greater public access; that are in each case beneficial to the Parcels (as that term is defined in the TIF Ordinance).

Section 2. That City Council authorizes the Mayor to enter into a supplement to the Revenue Sharing Agreement in substantially the form attached to this Ordinance as *Exhibit A* memorializing the School District's consent to this TIF Ordinance.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the actions contemplated herein.

Section 4. That all sections and provisions of Ordinance 06-61 not specifically amended hereby shall remain in full force and effect

Section 5. That it is hereby found and determined that all formal actions of City Council concerning and relating to the adoption of this ordinance were taken in an open meeting of this City Council, and that all deliberations of this City Council and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6. This legislation shall become effective at the earliest time permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day of _____, 2022

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

(a) **DATE FILED WITH MAYOR:** _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
Director of Law

EXHIBIT A

Form of Supplement to Revenue Sharing Agreement

SUPPLEMENT TO REVENUE SHARING AGREEMENT

This Supplement to Revenue Sharing Agreement (the “**Agreement**”) is made and entered into as of December __, 2022, by and between the CITY OF NEWARK, OHIO (the “**City**”), a municipal corporation organized and existing under the constitution and the laws of the State of Ohio with its principal offices at 40 W. Main St., Newark, Ohio 43055, and the NEWARK CITY SCHOOL DISTRICT (the “**School District**”), a public school district with its principal offices located at 621 Mount Vernon Road, Newark, Ohio 43055.

WITNESSETH:

WHEREAS, City Council passed Ordinance No. 06-61 on December 18, 2006 (the “**Mt. Vernon Road TIE Ordinance**”), granting a 100%, 30-year TIE Exemption to certain parcels of real property located in the City (the “**Mt. Vernon Road Site**” and the TIF created thereby being the “**Mt. Vernon Road TIF**”); and

WHEREAS, the City and the School District entered into a Revenue Sharing Agreement dated as of December 19, 2006 relating to compensation for revenues foregone by the School District as a result of the TIF Exemption (as supplemented by that certain Supplemental Revenue Sharing Agreement dated as of February 3, 2020, the “**Revenue Sharing Agreement**”); and

WHEREAS, the City has requested that the School District consent to the additional designation of Public Infrastructure Improvements (as defined in the Mt. Vernon Road TIF Ordinance) as more fully set forth in the School Notice attached hereto as Exhibit A (the “**School Notice**”); and,

WHEREAS, on _____, 2022, the Board of the School District adopted a resolution (the “**School District Resolution**”) granting its approval of this Agreement; and

NOW, THEREFORE, in consideration of the premises and covenants contained herein the parties agree as follows:

Section 1. Consent to Designation of Additional Public Infrastructure Improvements. The School District hereby consents to the designation by the City Council for purpose of the Mt. Vernon Road TIF of the additional Public Infrastructure Improvements set forth in the School Notice and such additional Public Infrastructure Improvements shall be deemed “Infrastructure Improvements” for all purposes of the Revenue Sharing Agreement, as supplemented hereby.

Section 2. Amendment. This Agreement may be amended or modified by the parties only in writing, signed by both parties to the Agreement.

Section 3. Severability of Provisions. The invalidity of any provision of this Agreement shall not affect the other provisions of this Agreement, and this Agreement shall be construed in all respects as if any invalid portions were omitted.

Section 4. Counterparts. This Agreement may be executed in any number of counterparts, all of which taken together shall constitute one and the same instrument, and any party to this Agreement may execute this Agreement by signing any such counterpart.

IN WITNESS WHEREOF, the City and the School District have caused this Agreement to be executed in their respective names by their duly authorized officers, all as of the date hereinbefore written.

CITY OF NEWARK, OHIO

NEWARK CITY SCHOOL DISTRICT

By: _____

By: _____

Its: Mayor

Its Superintendent

By: _____

Its: Treasurer

By: _____

Its: President, Board of Education

Approved as to form:

By: _____

Its: Law Director, City of Newark, Ohio

FISCAL OFFICER CERTIFICATE

The undersigned, Director of Finance/Chief Financial Officer of the City of Newark, Ohio, hereby certifies that the moneys required to meet the obligations of the City during the year 2022 under the foregoing Supplement to Revenue Sharing Agreement have been lawfully appropriated by the City Council of the City of Newark, Ohio for such purpose and are in the treasury of the City or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Ohio Revised Code Sections 5705.41 and 5705.44.

Director of Finance/Chief Financial Officer
City of Newark, Ohio

Dated: _____, 2022

[Fiscal Officer Certificate]

EXHIBIT A
SCHOOL NOTICE

November 18, 2022

Newark City School Board of Education
621 Mount Vernon Road
Newark, Ohio 43055
Attn: Thomas Bline, President of Board of Education

Re: Amendment to City of Newark Ordinance No. 06-61 (Mt. Vernon Road TIF)

Dear Members of the Board:

Please find below official notice that the City Council of the City of Newark, Ohio ("Council") intends to consider the adoption of an amendment to its Ordinance No. 06-61 originally adopted on December 18, 2006 ("TIF Exemption") pursuant to Section 5709.40(B) of the Ohio Revised Code at a regular meeting scheduled for December 19, 2022. The ordinance is expected to be initially introduced to City Council at its meeting scheduled for November 21, 2022, and have a first reading at the City Council meeting scheduled for December 5, 2022. The meetings will be held at the City Hall Council Chambers, 40 W. Main St., Newark, Ohio at 7 PM on each of the respective days mentioned above. A draft copy of the amending ordinance is attached to this notice (the "Ordinance").

The amendment is being made to designate additional public infrastructure improvements to be constructed using statutory service payments generated under the TIF Exemption.

The City of Newark respectfully requests that the Board of Education pass a resolution to waive the remainder of any applicable notice periods under Ohio Revised Code Sections 5709.40, 5709.83 and 5715.27 for this transaction and to authorize a supplement to the Revenue Sharing Agreement between the City and the School District related to the TIF Exemption (for the purpose of acknowledging the additional public infrastructure designated set forth in the Ordinance). You are invited to comment in advance of the meeting or attend the meeting regarding the proposed Ordinance.

Sincerely,

Jeff Hall, Mayor

EXHIBIT A

DRAFT AMENDING ORDINANCE

**RECEIPT OF THE BOARD OF EDUCATION OF THE
NEWARK CITY SCHOOL DISTRICT OF NOTICE OF THE
INTENT OF THE CITY OF NEWARK, OHIO TO PASS AN ORDINANCE AMENDING
ITS ORDINANCE NO. 06-61 RELATING TO THE MT. VERNON ROAD TIF**

November 18, 2022

TO: City of Newark
40 W. Main St.
Newark, Ohio 43055
Attn: Mark Mauter

The undersigned hereby acknowledges receipt of the following items from the City of Newark, Ohio.

- (i) Notice of hearing before the City Council of Newark, Ohio on December 19, 2022 to consider and vote upon an ordinance amending the City's Ordinance No. 06-61.

Received by: _____

Date: _____