

January 13, 2022

SERVICE COMMITTEE

January 18, 2022

Committee and Council Meetings can be viewed by accessing YouTube or Facebook

*** Due to COVID the meeting location is subject to change based on the current situation*

Council Chambers

Following Finance Committee

AGENDA

1. Consider **Resolution No. 22-06** A RESOLUTION APPROVING THE ESTABLISHMENT OF A NEW COMMUNITY AUTHORITY PURSUANT TO OHIO REVISED CODE CHAPTER 349; DETERMINING THE METHOD OF SELECTING THE BOARD OF TRUSTEES OF THE NEW COMMUNITY AUTHORITY; MAKING THE CITY'S APPOINTMENTS TO THE BOARD OF TRUSTEES; AND MAKING RELATED AUTHORIZATIONS AND DECLARING AN EMERGENCY.
2. Other items at the discretion of the chair

Resolution No. 22-06

A RESOLUTION APPROVING THE ESTABLISHMENT OF A NEW COMMUNITY AUTHORITY PURSUANT TO OHIO REVISED CODE CHAPTER 349; DETERMINING THE METHOD OF SELECTING THE BOARD OF TRUSTEES OF THE NEW COMMUNITY AUTHORITY; MAKING THE CITY'S APPOINTMENTS TO THE BOARD OF TRUSTEES; AND MAKING RELATED AUTHORIZATIONS AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code ("R.C.") Chapter 349 (the "Act") provides that "developers" (as defined in the Act) may petition for the establishment of a New Community Authority ("NCA"); and

WHEREAS, on January 3, 2022, Stephen T. Layman, Trustee, James R. Havens and Maureen K. Havens (collectively, the "Developer") filed with the City of Newark, Ohio (the "City") a petition under R.C. Section 349.03 (the "Petition") for the establishment of an NCA named the "Cherry Valley New Community Authority" (the "Cherry Valley NCA") inclusive of approximately 26.56 acres of real property located in the City and owned by the Developer (the "Property," as depicted on Exhibit A attached hereto and incorporated herein by this reference) to provide for the construction of certain "community facilities"; and

WHEREAS, this Council constitutes the "organizational board of commissioners" for the proposed Cherry Valley NCA, as that term is defined in R.C. Section 349.01(F); and

WHEREAS, the Petition provides that the establishment of the Cherry Valley NCA will be conducive to the public health, safety, convenience and welfare, and that such land to be included within the Cherry Valley NCA is owned by or is under the control of the Developer within the meaning of R.C. Section 349.01(E); and

WHEREAS, on January 3, 2022, City Council passed Resolution No. 21-89 finding that the Petition met the requirements of the Act, and fixing the date of a public hearing; and

WHEREAS, on February 7, 2022, City Council held the required public hearing for the establishment of the Cherry Valley NCA; and

WHEREAS, after the public hearing, the Act requires City Council to pass a resolution determining whether the establishment of the NCA will be conducive to the public health, safety, convenience and welfare, and is intended to result in the development of a new community; and

WHEREAS, pursuant to the Act and the Petition, City Council is required to provide the method of selecting members of the board of trustees of the NCA (the "Board") and to select three citizen members and one representative of local government to serve on the Board;

NOW, THEREFORE, BE IT RESOLVED by City Council for the City of Newark, Ohio, that:

Section 1. This Council finds and determines that the establishment of the Cherry Valley NCA as described in the Petition will be conducive to the public health, safety, convenience and welfare, and is intended to result in the development of a new community. Thus, this Council hereby declares the Cherry Valley NCA to be organized and a body politic and corporate. The boundaries of the NCA shall be inclusive of the entirety of the Property, as shown on Exhibit A.

Section 2. The corporate name of the NCA shall be he “Cherry Valley New Community Authority.”

Section 3. The Board will be comprised of seven (7) members as specified in the Petition. The method of selecting members of the Board shall be as described in this Section 3. The Board shall consist of (i) three citizen members appointed by City Council, (ii) one representative of local government appointed by City Council, and (iii) three members appointed by the Developer. Each Board member shall serve two-year overlapping terms, with two of each of the initial citizen and developer members appointed to serve initial one-year terms. So long as any obligations issued to finance community facilities within the Cherry Valley NCA are outstanding, (i) City Council shall continue to appoint replacement citizen members and the representative of local government upon the expiration of that member’s term or resignation by that member unless the City determines, by ordinance or resolution of City Council, that such citizen members of the Board and the representative of local government shall be elected in the manner prescribed by R.C. Sections 349.04(A) and (C), and (ii) the Developer shall continue to appoint replacement representatives of the Developer to the Board upon the expiration of that member’s term or resignation by that member unless the Developer determines, by delivering notice to the City, that such members of the Board shall be elected in the manner prescribed by R.C. Section 349.04(B).

City Council hereby appoints _____, _____ and _____ to serve as the three citizen members of the Board, and _____ to serve as the representative of local government. City Council requests that the Developer provide its appointments to the City in writing as soon as practicable after the passage of this Resolution.

Section 4. Pursuant to R.C. Section 349.04, there will be posted for each member of the Board a bond in the amount of \$10,000.00 for the faithful performance of his or her duties. The bond will be with a company authorized to conduct business within the State of Ohio as a surety.

Section 5. The Mayor and other appropriate officers of the City are authorized and directed to take such actions and make such arrangements that are consistent with the purpose of this Resolution and necessary for the establishment, operation and future growth of the Cherry Valley NCA.

Section 6. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution, and that all deliberations of this

Council and of any committees that resulted in those formal actions, were taken in meetings open to the public in compliance with the law.

Section 7. This Resolution shall take effect and be in force from and after the earliest period permitted by law.

Don Ellington, President of Council

Passed:

Jeff Hall, Mayor

Effective:

Attest:

Janine Paul, Clerk of Council

I certify that this
Resolution is correct as to form.

Tricia M. Moore, Director of Law

EXHIBIT A
DEPICTION OF THE CHERRY VALLEY NCA
(attached hereto)

EXHIBIT A

Map and Description of District Boundaries

The District is comprised of the property identified and described below.



Parcels:

054-216630-00.000

054-216642-00.002

054-216720-00.000

054-216702-00.000 (Portion)