

ORDINANCE NO. 05 -14  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Paul Ansham ON THE 2nd DAY  
OF June, 2014.

AN ORDINANCE AMENDING ORDINANCE NO. 7-13, WHICH ORIGINALLY RELATED TO THE CREATION OF A TAX INCREMENT FINANCING, TO PROVIDE FOR COMPENSATION TO THE BELLBROOK-SUGARCREEK LOCAL SCHOOL DISTRICT AND THE GREENE COUNTY VOCATIONAL SCHOOL DISTRICT AND THE EXECUTION OF A RELATED TAX INCENTIVE AGREEMENT.

WHEREAS, Pursuant to Sections 5709.40(B), 5709.42 and 5709.43 of the Ohio Revised Code (collectively, the "*TIF Statutes*"), this City Council heretofore passed Ordinance No. 7-13 on July 15, 2013 (the "*Original TIF Ordinance*"), which Original TIF Ordinance generally (i) declared that the improvement to certain parcels of real property located within the City (such parcels were identified and depicted on Exhibit A to the Original TIF Ordinance and are collectively referred to herein as the "*Parcels*") to be a public purpose and exempt from taxation, (ii) required the owner of such parcels to make service payments in lieu of taxes, (iii) provided for the distribution of the applicable portion of such service payments to the Bellbrook-Sugarcreek Local School District and the Greene County Vocational School District, (iv) established a municipal public improvement tax increment equivalent fund for the deposit of the those service payments, and (v) specified public infrastructure improvements made, to be made or in the process of being made that would directly benefit, or that once made would directly benefit those parcels (such public infrastructure improvements were identified and depicted on Exhibit B to the Original TIF Ordinance and are collectively referred to herein as the "*Public Infrastructure Improvements*"); and

WHEREAS, subsequent to the passage of the Original TIF Ordinance, the City completed negotiations with Cornerstone Developers, Ltd. for the proposed development of the Parcels; and

WHEREAS, based on those negotiations, the City has determined that to facilitate the payment of the costs of the Public Infrastructure Improvements, it will be necessary to amend the percentage of service payments to be paid the Bellbrook-Sugarcreek Local School District and the Greene County Vocational School District; and

WHEREAS, based on negotiations with the Bellbrook-Sugarcreek Local School District, that School District has agreed to a reduced percentage of service payments which will be paid to that School District and the Greene County Vocational School District; and

WHEREAS, to provide for those payments, this Council has determined it necessary to amend the Original TIF Ordinance and authorize the execution of a related agreement (the "*Tax Incentive Agreement*"); and

WHEREAS, notice of this proposed Ordinance has been delivered to the Boards of Education of the Bellbrook-Sugarcreek Local School District and the Greene County Vocational School District;

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THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

SECTION 1. Amendment of Section 4 of the Original TIF Ordinance. Section 4 of the Original TIF Ordinance is amended as follows with new language to be added in underscoring and language to be deleted in ~~strikeout~~ as provided in Section 5.02 of the City's Charter:

“SECTION 4. Distributions. Pursuant to the TIF Statutes, the County Treasurer is requested to distribute the Service Payments and Property Tax Rollback Payments to the City for deposit in the TIF Fund held by the City and for further distribution as follows:

(a) to the Bellbrook-Sugarcreek Local School District, an amount which shall equal the product of (i) for any given payment date, the applicable percentage rate (e.g. 60% or 100%) which is required to be used to compute the amount payable to that School District pursuant to the Tax Incentive Agreement multiplied by~~equal to~~ (ii) the amount the Bellbrook-Sugarcreek Local School District would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to each Parcel if the Improvement had not been exempt from taxation pursuant to this Ordinance;

(b) to the Greene County Vocational School District, an amount which shall equal the product of (i) for any given payment date, the same applicable percentage rate (e.g. 60% or 100%) which is required to be used to compute the amount payable to the Bellbrook-Sugarcreek Local School District on that given payment date as is determined in accordance with subsection (a) multiplied by ~~equal to~~ (ii) the amount the Greene County Vocational School District would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the

Improvement to each Parcel if the Improvement had not been exempt from taxation pursuant to this Ordinance;

(c) to any other taxing subdivision, such amount as is then required to be distributed thereto pursuant to applicable law or agreement with the City; and

(d) to the City, all remaining amounts for further deposit into the TIF Fund for payment of costs of the Public Infrastructure Improvements, including payment of debt service on any debt issued to pay those costs.

All distributions required under ~~this Section 4 are requested to be made at the same time and in the same manner as real property tax distributions~~ subsection (a) shall be made at the times required pursuant to the Tax Incentive Agreement. All distributions required under subsection (b) shall be made at the same times payments are required to be made to the Bellbrook-Sugarcreek Local School District pursuant to the Tax Incentive Agreement. Any distributions required under subsection (c) shall be made at the times required under the then applicable law or agreement. Any distributions required under subsection (d) shall be made at the times determined by the City but shall not in any calendar year reduce the payments required to be made pursuant to subsections (a) and (b)."

SECTION 2. Amendment of Section 8 of the Original TIF Ordinance. Section 8 of the Original TIF Ordinance is amended as follows with new language to be added in underscoring and language to be deleted in ~~strikeout~~ as provided in Section 5.02 of the City's Charter:

"SECTION 8. Filings with Ohio Department of Development Development Services Agency. Pursuant to Ohio Revised Code Section 5709.40(I), the City Manager is hereby directed to deliver a copy of this Ordinance to the Director of Development of the State of Ohio within fifteen days after its effective date. Further, and on or before

March 31 of each year that the exemption set forth in this Ordinance remains in effect, the Economic Development Director or other authorized officer of the City is directed to prepare and submit to the Director of ~~Development~~Development Services Agency of the State of Ohio the status report required under Ohio Revised Code Section 5709.40(I).”

SECTION 3. Filing with Ohio Development Services Agency. Pursuant to Ohio Revised Code Section 5709.40(I), the City Manager is hereby directed to deliver a copy of this Ordinance to the Director of Development Services Agency of the State of Ohio within fifteen days after its effective date.

SECTION 4. Execution of Tax Incentive Agreement. The Tax Incentive Agreement by and between the City and the Bellbrook-Sugarcreek Local School District, in the form presently on file with the Clerk of Council, providing for, among other things, the provision of periodic payments from the City to the Bellbrook-Sugarcreek Local School District in exchange for the Bellbrook-Sugarcreek Local School District’s approval of the tax increment financing authorized by the Original TIF Ordinance, is hereby approved and authorized with changes therein not inconsistent with this Ordinance and not substantially adverse to this City and which shall be approved by the City Manager. The City Manager, for and in the name of this City, is hereby authorized to execute that Tax Incentive Agreement, provided further that the approval of changes thereto by that official, and their character as not being substantially adverse to the City, shall be evidenced conclusively by the execution thereof. This Council further authorizes the City Manager, for and in the name of the City, to execute any amendments to the Tax Incentive Agreement, which amendments are not inconsistent with this Ordinance and not substantially adverse to this City.

SECTION 5. Open Meetings. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Ohio Revised Code Section 121.22.

SECTION 6. Continuing Force and Effect of Ordinance No. 7-13. Except for the provisions of Ordinance No. 7-13 amended herein, all other provisions of Ordinance No. 7-13 shall remain in full force and effect.

SECTION 7. Effective Date. This Ordinance shall be in full force and effect on the earliest date permitted by law.

PASSED this 2nd day of June, 2014.

Mark S. Vincent  
Mayor of the City of Centerville, Ohio

ATTEST:

Debra A. James  
Clerk of Council, City of Centerville, Ohio

**CERTIFICATE**

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of Ordinance Number 05-14, passed by the Council of the City of Centerville, Ohio, on the 2nd day of June, 2014.

Debra A. James  
Clerk of Council

Approved as to form, consistency with the  
Charter and Constitutional Provisions.

Department of Law

Scott Liberman

Municipal Attorney