

ORDINANCE NO. 19-21

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A COMMUNITY
REINVESTMENT AREA (CRA) SCHOOL COMPENSATION AGREEMENT
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Avon (the “City”) has determined it is desirable to encourage the development of real property and the acquisition of personal property in the area designated as the City of Avon Community Reinvestment Area (the “CRA”) and by doing so seeks to foster job creation and economic development in the City; and

WHEREAS, the Bendix project is located within the CRA at 35500 Chester Road and consists of two (2) tracts totaling approximately 60 acres (the “Project Site”) located in the Avon City School District and the Lorain County Joint Vocational School District; and

WHEREAS, the Board of Education of the Lorain County Joint Vocational School District was notified in accordance with Ohio Revised Code Section 5709.83 and was given a draft copy of the CRA Agreement (defined below); and

WHEREAS, the Board of Education of the Avon Local School District was notified and given a draft of the CRA Agreement together with calculations demonstrating, in accordance with Ohio Revised Code Section 3735.671, that it is estimated to receive at least 50% of the amount of taxes foregone as a result of the CRA Agreement; and

WHEREAS, consistent with the City Charter at Article IV, section 16, the City Council (“Council”) at its regularly scheduled meeting on February 10, 2020, announced notice of its intent to conduct a public hearing to review and discuss the proposed CRA Ordinance (defined below) and CRA Agreement. The public hearing, which was scheduled for Council’s next regularly scheduled work session, took place on February 17, 2020 at 7:30pm (the “Public Hearing”). At least seven days prior to the Public Hearing, the Council provided notice of the Public Hearing to the Superintendent of the Avon Local School District. The Council also arranged for notice of the Public Hearing to be published according to law; and

WHEREAS, the City has acted pursuant ORC Section 3735.671 and Ordinance No. 23-20 adopted February 24, 2020 (the “CRA Ordinance”) to grant a tax exemption to Geis at Chester, LLC and Lorain County Port Authority and entered into the CRA Agreement on April 16, 2020 (the “CRA Agreement”); and

WHEREAS, the City and the Avon Local School District have negotiated and agreed to terms to support economic development under the CRA Agreement, and Council desires to enter into a Community Reinvestment Area School Compensation Agreement (the “School Compensation Agreement”), pursuant to Section 5709.82 of the Revised Code, with the Avon Local School District to provide for income tax revenue sharing with the Avon Local School District related to the project at the Project Site; and

WHEREAS, the Board of Education of the Avon Local School District has approved the School Compensation Agreement on March 16, 2021 pursuant to Resolution 2021-10C-46; and

WHEREAS, Council deems it to be in the best interests of the health, safety and welfare of the citizens of Avon to pass this Ordinance and thereby authorize the Mayor to execute and finalize the School Compensation Agreement with the Avon School District on behalf of the City of Avon.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That this Council hereby approves the School Compensation Agreement substantially in the form as set forth in Exhibit A, which is attached hereto and incorporated herein by this reference. Furthermore, Council authorizes the Mayor to execute the School Compensation Agreement on behalf of the City.

Section 2 - That this Council hereby authorizes the Mayor, the Finance Director or other appropriate officer(s) of the City to take such actions as are necessary or appropriate to implement the transactions contemplated by this Ordinance.

Section 3 - That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any decision-making bodies of the City which resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4 - That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of City residents, that purpose being to enter into the School Compensation Agreement with the Avon Local School District and to immediately address income tax revenue sharing; therefore, this Ordinance is hereby declared to be an emergency and shall take effect and be in full force immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

Ordinance No. 19-21 (Con't)

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director