

ORDINANCE 2018-13

AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF A COMMUNITY REINVESTMENT AREA IN THE VILLAGE OF COMMERCIAL POINT, OHIO, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL AND A TAX INCENTIVE REVIEW COUNCIL

WHEREAS, the Village of Commercial Point, Ohio (the "Village") desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in specific areas of the Village that have not enjoyed reinvestment from remodeling or new construction; and

WHEREAS, a survey of housing (the "Housing Survey") of the area described and depicted in Exhibit A attached hereto and incorporated herein by this reference (the "Area") has been prepared as required by Ohio Revised Code ("R.C.") Section 3735.66, a copy of which survey is on file with the Village; and

WHEREAS, as noted in the Housing Survey, the Area is one in which housing facilities or structures of historical significance are located and new housing construction and repair of existing facilities or structures are discouraged; and

WHEREAS, the Council for the Village (the "Council") has determined that the construction of new structures and the remodeling of existing structures in the Area is a public purpose, and would encourage the creation and retention of employment opportunities and would benefit the overall economic health of the Village; and

WHEREAS, the Village desires to designate the Area as the "Commercial Point Community Reinvestment Area No. 1" (the "CRA") pursuant to R.C. Sections 3735.65 through 3735.70 (the "Act") to encourage such development;

NOW, THEREFORE, be it ordained by the Village Council for the Village of Commercial Point, Ohio, that:

Section 1. The CRA constitutes 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. This Council hereby establishes the CRA pursuant to the Act, with boundaries as described and depicted in Exhibit A. Only residential (on a limited basis as described in Section 3 hereof), commercial and/or industrial properties consistent with the applicable zoning regulations within the designated CRA will be eligible for exemptions pursuant to this Ordinance.

Section 3. Within the CRA, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and industrial real property and the term of those exemptions shall be negotiated on a case-by-case basis in advance of construction or remodeling occurring pursuant to R.C. Section 3735.67. The results of the negotiation as

approved by this Council will be set in writing in a CRA Agreement as outlined in R.C. Section 3735.671. The maximum term and exemption percentage for commercial and/or industrial projects is as follows:

- a. Up to, and including, fifteen (15) years, and up to, and including, one hundred percent (100%) for the remodeling of existing commercial and industrial facilities and upon which the cost of remodeling is at least \$5,000, as described in R.C. Section 3735.67, the term and percentage of which shall be negotiated on a case-by-case basis in advance of remodeling occurring.
- b. Up to, and including, fifteen (15) years, and up to, and including, one hundred percent (100%) for the construction of new commercial or industrial facilities, the term and percentage of which shall be negotiated on a case-by-case basis in advance of construction occurring.

Residential exemptions are only available in the portions of the CRA labeled as eligible for residential exemptions on Exhibit A. For residential property located within those eligible portions of the CRA, a tax exemption on the increase in the assessed value resulting from the improvements as described in R.C. Section 3735.67 shall be granted upon application by the property owner and certification thereof by the designated Housing Officer (as defined herein) for the following periods.

- a. fifteen (15) years, for the remodeling of every residential dwelling unit containing not more than one housing unit and upon which the cost of remodeling is at least \$2,500, as described in R.C. Section 3735.67, and with such exemption being one hundred percent (100%) for each of the fifteen (15) years.
- b. fifteen (15) years, for the construction of dwellings containing not more than one housing unit, as described in R.C. Section 3735.67, with such exemption being one hundred percent (100%) for each of the fifteen (15) years.

For the purposes of the above described eligible areas within the CRA, structures exclusively used for residential purposes and composed of not more than one unit shall be classified as residential structures.

If remodeling qualifies for an exemption, during the period of the exemption, the exempted percentage of the dollar amount of the increase in market value of the structure shall be exempt from real property taxation. If new construction qualifies for an exemption, during the period of the exemption, the exempted percentage of the structure shall not be considered to be an improvement on the land on which it is located for the purpose of real property taxation.

Section 5. All commercial and industrial projects are required to comply with the state application fee requirements of R.C. Section 3735.672(C) and the local annual monitoring fee of one percent of the amount of taxes exempted under the agreement – a minimum of \$500 up to a maximum of \$2500 annually unless waived.

Section 6. To administer and implement the provisions of this Ordinance, the Mayor is designated as the Housing Officer as described in the Act.

Section 7. A “Community Reinvestment Area Housing Council” (the “Housing Council”) shall be created, consisting of two members appointed by the Mayor, two members appointed by this Council and one member appointed by the Village Planning Commission. They Mayor and this Council each shall appoint two members to serve on the Housing Council. The majority of the members shall then appoint two additional members who shall be residents within the Area. Terms of the members of the Housing Council shall be for three years. An unexpired term resulting from a vacancy in the Housing Council shall be filled in the same manner as the initial appointment was made. The Housing Council shall make an annual inspection of the properties within the CRA for which an exemption has been granted under R.C. Section 3735.67. The Housing Council shall also hear appeals under R.C. Section 3735.70.

A Tax Incentive Review Council (the “TIRC”) shall be established pursuant to R.C. Section 5709.85 and shall consist of three representatives appointed by the Board of County Commissioners, two representatives of the Village, appointed by the Mayor with Council concurrence, the County Auditor or designee and a representative of each affected Board of Education. At least two members must be residents of the Village. The Mayor shall appoint two members to serve as the Village representatives on the TIRC, and this Council hereby concurs with those appointments. The TIRC shall review annually the compliance of all agreements involving the granting of exemptions for commercial or industrial real property improvements under R.C. Section 3735.671 and make written recommendations to the Council as to continuing, modifying or terminating said agreement based upon the performance of the agreement.

Section 8. The Mayor is hereby directed and authorized to petition the Director of the Ohio Development Services Agency to confirm the findings contained in this Ordinance, as required by R.C. Section 3735.66. The Mayor is also hereby authorized to take any and all actions required by the Act for the establishment of the CRA consistent with the requirements of the Act and this Ordinance. This Council hereby adopts the Housing Survey in the form currently on file with the Village Fiscal Officer.

Section 9. The 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 of 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 R.C. Section 121.22.

Section 10. This Ordinance shall take effect and be in force from and after the earliest period permitted by law.

Vote on Passage of Ordinance:

Motion by: Bruce Moore 2nd: Jason Thompson

Roll Call:

Yes Jason Thompson

Yes Laura Wolfe

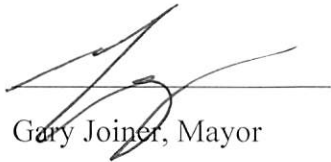
 Aaron Grassel

Yes Bruce Moore

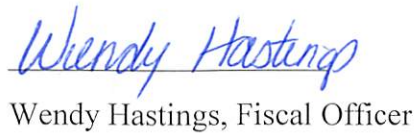
Yes Ben Townsend

Yes Scott O'Neil

Adopted this 3rd day of December, 2018.

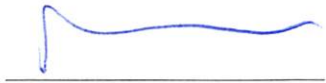


Gary Joiner, Mayor



Wendy Hastings, Fiscal Officer

Approved as to Form:



Michael D. Hess, Village Solicitor

The CRA is depicted on the attached map.

DESCRIPTION AND DEPICTION OF THE CRA

EXHIBIT A