

DATE:	<u>May 16, 2022</u>	1 ST READING:	<u>May 16, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>Dispensed</u>
REFERRED BY:	<u></u>	3 RD READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 80-2022</u>	ADOPTED:	<u>May 16, 2022</u>
		EMERGENCY:	<u>May 16, 2022</u>

RESOLUTION NO. 1567-2022

**A RESOLUTION AMENDING RESOLUTION NO. 1476-2020,
WHICH APPROVED AND RATIFIED AN APPLICATION FOR TAX
INCENTIVE IN COMMUNITY REINVESTMENT AREA NO. 14
CREATED BY CITY OF NORTH RIDGEVILLE RESOLUTION NO.
768-94 AND SUBSEQUENT AMENDMENTS THERETO, FOR
ISOMER GROUP INC., A CORPORATION ORGANIZED AND
EXISTING UNDER THE LAWS OF THE STATE OF OHIO, AND
DECLARING AN EMERGENCY.**

WHEREAS, the North Ridgeville City Council approved and adopted Resolution No. 1476-2020 on February 3, 2020, which approved and ratified an application for a tax incentive in Community Reinvestment Area No. 14 for the Isomer Group Inc.; and

WHEREAS, construction was projected to be completed in December of 2020, but due to economic factors, it has been delayed; and

WHEREAS, the CRA Agreement (Exhibit “A”) needs to be amended to reflect that the project will be completed by December of 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, COUNTY OF LORAIN, OHIO, THAT:

SECTION 1. The last sentence of the second paragraph of Section 1 in Exhibit “A” of Resolution No. 1476-2020 is hereby amended by changing the verbiage “The Project will begin August of 2020 and will be completed in December of 2020” to “The Project will begin August of 2020 and will be completed by December of 2022.” A copy of Exhibit “A” showing the amended date is attached hereto and made a part of this amending resolution.

SECTION 2. The Mayor is hereby authorized to enter into the Amended CRA Tax Incentive Agreement in substantially the same form and terms as attached hereto to this Resolution and marked as Exhibit “A”.

SECTION 3. All other sections, terms, and provisions of Resolution No. 1476-2020 not specifically modified or affected by this amending Ordinance shall remain in full force and effect.

SECTION 4. The Clerk of Council is hereby directed immediately to transmit a certified copy of this Resolution to the Lorain County Auditor and other appropriate state and local officials including without limitation the North Ridgeville City School District.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 6. This Resolution is hereby declared to be an emergency measure, the emergency being in order to amend the agreement to match the construction percentage of completion, and for tax incentive purposes. Wherefore, this Resolution shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: May 16, 2022



Jason R. Jacobs
PRESIDENT OF COUNCIL

ATTEST :



Nicholas Ciofani
CLERK OF COUNCIL

APPROVED: May 18, 2022



Kevin Corcoran
MAYOR

EXHIBIT "A"

AMENDED COMMUNITY REINVESTMENT AREA AGREEMENT

THIS AGREEMENT is made and entered into by and between the City of North Ridgeville, Lorain County, Ohio, a municipal corporation, with its main offices located at 7307 Avon Belden Road, North Ridgeville, Ohio (hereinafter referred to as "the City"), and ISOMER GROUP, Inc., with their office located at 211 Commerce Drive, Medina, Ohio 44256 (hereinafter referred to as "the Property Owner"), which shall occupy the parcel to which the tax exemption shall apply.

WITNESSETH THAT:

WHEREAS, the City encouraged the development of real property and the acquisition of real property located in the area designated as a Community Reinvestment Area; and

WHEREAS, the Property Owner is desirous of establishing a Discount Drug Mart which will include, among other things, a general store, pharmacy, and wellness center (hereinafter referred to as "the Project"), within the boundaries of the aforementioned Community Reinvestment Area, provided that the appropriate development incentives are available to support the economic viability of said Project; and

WHEREAS, the Council of the City of North Ridgeville, Ohio, by Resolution No. 768-94 adopted June 20, 1994, and amended in Resolution No. 1415-2017, adopted December 4, 2017, has designated the area defined by the corporate boundaries of the City of North Ridgeville as a "Community Reinvestment Area" pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, the Director of Development of the State of Ohio determined that the aforementioned area designated in Resolution Nos. 768-94 and 1415-2017 contained the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as a Community Reinvestment Area under said Chapter 3735 of the Ohio Revised Code; and

WHEREAS, the City of North Ridgeville, having the appropriate authority for the stated type of said Project, is desirous of providing Property Owner with incentives available for the development of the Project in said Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

WHEREAS, Property Owner, by and through its designated agent, has submitted a proposed agreement application to the City of North Ridgeville (hereinafter referred to as "Application" and attached as Exhibit "B"); and

WHEREAS, the Mayor of the City of North Ridgeville has investigated the Application of the Property Owner and has recommended the same to Council on the basis that the Property Owner is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Community Reinvestment Area, to establish a business that will be beneficial to the residents of the City, and to improve the economic climate of the City of North Ridgeville; and

WHEREAS, the North Ridgeville Tax Abatement Review Board has considered the Application in an open meeting and has voted to recommend approval of the Property Owner's request for a Community Reinvestment Area tax abatement agreement; and

WHEREAS, the project site, as proposed by the Property Owner, is located in the North Ridgeville School District, the Lorain County Joint Vocational School District, and the Board of Education of the City of North Ridgeville and have been notified in accordance with Section 5709.83 of the Ohio Revised Code or have otherwise agreed by separately executed contract to consent to the City's execution of the Abatement Agreement; and

WHEREAS, pursuant to Section 3735.67(A) and in accordance with the format required under Section 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their Agreement with respect to matters hereinafter contained;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. Property Owner shall construct a free standing facility with square footage of approximately 28,000 including a general store, pharmacy and wellness center which will also include parking of approximately 125 spaces. Specifically, it will address patient health solutions including an all-purpose pharmacy with specialty pharmacy services, a full line of medical equipment and services including oxygen-ventilators, hospital beds, CPAPS, diabetic shoes and wheelchairs. It will also include groceries, health and beauty aids, household merchandise, fresh produce, hardware, full service deli, frozen foods, beer and wine, and school/office supplies.

The Project will involve a total investment by the Property Owner of \$6,650,000, as detailed in paragraph 12 of Exhibit B "Tax Incentive Request" form in new construction, machinery and equipment, and furniture and fixtures, plus or minus 10%, at the site. The Project will begin August of 2020 and will be completed by December of 2022.

The Project shall introduce 53 full-time permanent employees and 8 part-time employees at the site. The estimated annual payroll for the employees shall be \$1,500,000.

Property Owner shall provide to the North Ridgeville Tax Abatement Review Board or other public Tax Incentive Review Council any information reasonable required by Council to evaluate the Property Owner's compliance with the Agreement, including

returns filed pursuant to section 5711.02 of the Ohio Revised Code, if requested by Council.

2. The City hereby grants the Property Owner a Class 2 tax abatement for the real property improvements in the form of new construction of commercial structures made to the project site pursuant to Section 3735.67 of the Ohio Revised Code and shall be in the following amounts: 100% of the increase in real property taxes for the first ten (10) years after commencement of the exemption, 80% for the 11th year, 60% for the 12th year, 40% for the 13th year, 20% for the 14th year, and 0% for the 15th year and any subsequent year. The exemption commences the first year for which improvements to the real property would first be taxable were that property not exempted from taxation.

<u>Year of Tax Exemption</u>	<u>Tax Exemption Amount</u>
1.	100%
2.	100%
3.	100%
4.	100%
5.	100%
6.	100%
7.	100%
8.	100%
9.	100%
10.	100%
11.	80%
12.	60%
13.	40%
14.	20%
15.	0%

Property owner must file the appropriate tax forms with the County Auditor to effect and maintain the exemptions covered in the Agreement.

Property owner shall not be required to pay an annual fee, the same having been waived by the City.

Property Owner shall pay all such real and tangible property taxes which are not exempted under this Agreement and are charged against such property, and shall file all Tax reports and returns as required by law. If the Property owner fails to pay such taxes or fails to file such returns and reports, all incentives granted under this Agreement are rescinded beginning with the year for which the taxes are charged or such reports or returns are required to be filed and thereafter.

The City of North Ridgeville shall perform such acts as are reasonably necessary and appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

If for any reason the Community Reinvestment Area designation expires, the Director of the Ohio Department of Development revokes certification of the zone, or the City of North Ridgeville revokes the designation of the zone, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Property owner and/or its assignees materially fail to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation granted under this Agreement.

If the Property Owner materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this agreement are false or fraudulent, the City may terminate or modify the exemptions from taxation granted under this Agreement, and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this Agreement.

3. Property Owner hereby certifies that at the time this Agreement is executed, the Property Owner does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which the Property Owner is liable under Chapters 5733, 5735, 5739, 5741, 5743, 5747, or 5753 of the Ohio Revised Code, or, if such delinquent taxes are owed, the property Owner currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof has filed a petition of bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against Property Owner. For the purposes of certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Property Owner affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any monies to the State or a State agency for the administration or enforcement of any environmental laws of the State; and (3) any other monies to the State, a State agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

Property Owner and the City of North Ridgeville acknowledge that this Agreement has been approved by formal action of the legislative authority of the City.

The City has developed a policy to ensure recipients of Community Reinvestment Area tax benefits practice non-discriminating hiring in its operation. By execution of this

Agreement, Property Owner is committing to following non-discriminatory hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.

Exemptions from taxation granted under this Agreement shall be revoked if it is determined that Property Owner, any successor property owner, or any related member (as those terms are defined in Section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this Agreement under Division (E) of Section 3735.671 or Section 5709.62 or Section 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.

4. Property Owner affirmatively covenants that it has made no false statements to the State or local political subdivision in the process of obtaining approval of the Community Reinvestment Area incentives. If any representative of Property Owner has knowingly made a false statement to the State or local political subdivision to obtain the Community Reinvestment Area incentives, Property Owner shall be required to immediately return all benefits received under the Community Reinvestment Area Agreement pursuant to O.R.C. Section 9.66(C)(2) and shall be ineligible for any future economic development assistance from the State, any State Agency, or a political subdivision pursuant to O.R.C. Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree pursuant to O.R.C. Section 2921.13(D)(1) which is punishable by a fine of not more than \$1,000.00 and/or a term of imprisonment of not more than six months.

This Agreement is not transferrable or assignable without the express, written approval of the City.

5. In consideration of the City's agreement to abate property taxes as authorized by State law and for the waiver of the annual fee noted in paragraph 2 above, Property Owner shall annually, on or before April 30th, pay the City of North Ridgeville City Schools an amount equal to Forty Thousand Dollars (\$40,000.00) in the first ten years and then in an amount equal to Twenty-Five Thousand Dollars (\$25,000.00) in years eleven and twelve. Property Owner shall also make this annual payment in equal quarterly payments, if so requested by the North Ridgeville City Schools.

**THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK WITH
SIGNATURES APPEARING ON THE FOLLOWING PAGE.**

IN WITNESS WHEREOF, the City of North Ridgeville, Ohio, by its Mayor, and pursuant to Resolution No. 1567-2022, has caused this instrument to be executed this ____ day of _____, 2022, and the Property Owner by John Gans, President of ISOMER GROUP, INC., have caused this instrument to be executed on this ____ day of _____, 2022.

CITY OF NORTH RIDGEVILLE

By: _____
Mayor Kevin Corcoran

-and-

PROPERTY OWNER

By: _____
John Gans, President

APPROVED AS TO FORM:

By: _____
Brian Moriarty
Director of Law for the City of North Ridgeville

EXHIBIT "B"



CITY OF NORTH RIDGEVILLE



OFFICE OF THE MAYOR

G. David Gillock, Mayor
Jeffrey J. Armbruster, Safety-Service Director

TAX INCENTIVE REQUEST

Tax Incentive Request between the City of North Ridgeville located in the County of Lorain and ISOMER GROUP, INC. for Community Reinvestment Area (CRA).

1. a. Name of business, home or main office address, contact person and telephone number (attach additional pages if multiple enterprise participants):

<u>ISOMER GROUP, INC.</u> Enterprise Name	<u>JOHN GANS</u> Contact Person
<u>211 COMMERCE DRIVE</u>	<u>330.725.2340</u> Telephone Number
<u>MEDINA OHIO 44256</u> Address	<u>JGANS@DISCOUNT-DRUGMART.COM</u> E-mail

b. Project site:

<u>PARCEL #'S</u>	<u>TOM LUNT</u> Contact Person
<u>0700011103004</u>	<u>330.725.2340</u> Telephone Number
<u>0700011103085</u>	
<u>N. RIDGEVILLE OHIO</u> Address	<u>TLUNT@DISCOUNT-DRUGMART.COM</u> E-mail

2. a. Nature of business (manufacturing, warehousing, wholesale or retail stores or other):

RETAIL: HEALTH & WELLNESS - GROCERY & GENERAL MERCH-ANDISE

b. If a consolidation, what are the components of the consolidation? (must itemize the Location, assets and employment positions to be transferred):

NOT APPLICABLE

- 2 -

- c. Form of business or enterprise (corporation, partnership, proprietorship or other):
CORPORATION
3. Name of principal owner(s) or officers of the business:
DON BOOTEH (PRESIDENT)
MIKE EBY (SECRETARY / TRESURER)
4. Is business seasonal in nature? Yes _____ No
5. a. State the enterprise's current employment level at the proposed project site:
NOT APPLICABLE
- b. Will the project involve the relocation of employment positions or assets from one Ohio Location to another? Yes _____ No
- c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

- d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees):
2,966 (FTEs)
- e. State the enterprise's current employment level for each facility to be affected by the Relocation of employment positions or assets: NOT APPLICABLE
- f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated? NOT APPLICABLE
6. Project Description: PLEASE SEE ATTACHED

- 3 -

7. Project will begin AUGUST, 2020
and be completed DECEMBER, 2020

8. a. Estimate the number of new employees the business intends to hire at the facility that is the project site (job creation projection must be itemized by full and part-time and by permanent and temporary): 53 (FTEs) 8 (PTEs)

9. a. Estimate the amount of annual payroll such new employees will add \$ 1.5 MILLION (New annual payroll must be itemized by full and part-time and permanent and Temporary new employees). FTE = \$ 1.3 MILLION
PTE = \$ 200,000⁰⁰

b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ NOT APPLICABLE

10. Market value of the existing site as determined for local property taxation:
\$ 1.1 MILLION

11. a. Business's total current investment in the facility as of the proposal's submission:
\$ - 0 -

b. State the business's value of on-site inventory required to be listed in the personal property tax return of the enterprise in the return for the tax years (stated in average monetary value per most recent 12 month period) in which the agreement is entered into (baseline inventory): \$ NOT APPLICABLE

12. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or Occupy a facility:

A.	Acquisition of Buildings:	\$ <u>NOT APPLICABLE</u>
B.	Additions/New Construction:	\$ <u>4.5 M</u>
C.	Improvements to existing buildings:	\$ <u>NOT APPLICABLE</u>
D.	Machinery & Equipment:	\$ <u>750,000 K</u>
E.	Furniture & Fixtures:	\$ <u>300,000 K</u>
F.	Inventory:	\$ <u>1.1 M</u>
	Total New Project Investment:	\$ <u>6,650,000⁰⁰ MILLION</u>

- 4 -

13. a. Business requests the following tax exemption per Resolution 768-94:

Class 1 _____

Class 2 _____

Class 3 _____


b. Business's reasons for requesting tax incentive (be quantitatively specific as possible):

PLEASE SEE ATTACHED

Applicant agrees to supply additional information upon request.

The applicant believes that the information contained in and submitted with this application is complete and correct.

ISOMER GROUP, INC.
Name of Enterprise (print)


Signature

10/1/2019
Date

JOHN GANS
Name (print)

PRESIDENT
Title (print)

Project description:

Construction of a free-standing building to house a general store- pharmacy- and wellness center. Building to be 28,000 square feet. Site will hold 125 parking spaces. Store- pharmacy and wellness center to stock more than 50,000 items.

Patient health solutions to include: all-purpose pharmacy- specialty pharmacy services- and a full line of medical equipment and services including oxygen-ventilators, cpaps- hospital beds- diabetic shoes and power wheelchairs. Professional staff will include pharmacists, registered nurses, respiratory therapists and pedorthists.

Items to include: groceries- health and beauty aids- household merchandise- fresh produce- hardware- full service deli- frozen foods- beer and wine- and school and office supplies. Services to include: photo center- sporting and event ticket purchase- UPS shipping- Western Union- Ohio Lottery- utility bill payments- and hunting and fishing licenses.

Businesses reasons for requesting tax incentive:

Discount Drug Mart is an Ohio based employee owned company. We have 75 locations just in Ohio. Our stores employ more than 3,700 Ohioans including more than 225 pharmacists. We are a family run company as our founder's three sons and daughter manage the day to day operations.

The tax incentives associated with this project will allow us to be more competitive with out-of-state competitors (e.g. CVS in Woonsocket, Rhode Island & Walgreen's in Deerfield, Illinois). The tax incentives will increase our ability to better serve the residents of North Ridgeville. The tax incentives will ensure continued sound company growth. The store will be owned and occupied by Discount Drug Mart and will not depend on tenants or leases.

DATE:	<u>May 16, 2022</u>	1 ST READING:	<u>May 16, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>Dispensed</u>
REFERRED BY:	<u></u>	3 RD READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 81-2022</u>	ADOPTED:	<u>May 16, 2022</u>
		EMERGENCY:	<u>May 16, 2022</u>

RESOLUTION NO. 1568-2022

A RESOLUTION AMENDING RESOLUTION NO. 1461-2019, WHICH APPROVED AND RATIFIED AN APPLICATION FOR TAX INCENTIVE IN COMMUNITY REINVESTMENT AREA NO. 14 CREATED BY CITY OF NORTH RIDGEVILLE RESOLUTION NO. 768-94 AND SUBSEQUENT AMENDMENTS THERETO, FOR YOUNG EXPLORERS MONTESSORI, LLC, A LIMITED LIABILITY COMPANY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the North Ridgeville City Council approved and adopted Resolution No. 1461-2019 on September 16, 2019, which approved and ratified an application for a tax incentive in Community Reinvestment Area No. 14 for the Young Explorers Montessori, LLC; and

WHEREAS, construction was projected to be completed in the summer of 2020, but due to economic factors, it has been delayed; and

WHEREAS, Exhibit 1 of the CRA Agreement needs to be amended to reflect that the project will be completed by December of 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, COUNTY OF LORAIN, OHIO, THAT:

SECTION 1. The last sentence of the second paragraph of Section 1 in Exhibit 1 of Resolution No. 1461-2019 is hereby amended by changing the verbiage “The Project will begin September of 2019 and will be completed in the summer of 2020” to “The Project will begin September of 2019 and will be completed by December of 2023.” A copy of Exhibit 1 showing the amended date is attached hereto and made a part of this amending resolution.

SECTION 2. The Mayor is hereby authorized to enter into the amended CRA Tax Incentive Agreement in substantially the same form and terms as attached hereto to this Resolution and labeled Exhibit 1.

SECTION 3. All other sections, terms, and provisions of Resolution No. 1461-2019 not specifically modified or affected by this amending Ordinance shall remain in full force and effect.

SECTION 4. The Clerk of Council is hereby directed immediately to transmit a certified copy of this Resolution to the Lorain County Auditor and other appropriate state and local officials including without limitation the North Ridgeville City School District.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. This Resolution is hereby declared to be an emergency measure, the emergency being in order to amend the agreement to match the construction percentage of completion, and for tax incentive purposes. Wherefore, this Resolution shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: May 16, 2022



Jason R. Jacobs
PRESIDENT OF COUNCIL

ATTEST :



Nicholas Ciofani
CLERK OF COUNCIL

APPROVED: May 18, 2022



Kevin Corcoran
MAYOR

Exhibit 1

AMENDED COMMUNITY REINVESTMENT AREA AGREEMENT

THIS AGREEMENT is made and entered into by and between the City of North Ridgeville, Lorain County, Ohio, a municipal corporation, with its main offices located at 7303 Avon Belden Road, North Ridgeville, Ohio (hereinafter referred to as “the City”), and Young Explorers Montessori, LLC, with their main office located at 59 East Garfield Road, Aurora, Ohio 44202 (hereinafter referred to as “the Property Owner”), which shall occupy the parcel to which the tax exemption shall apply.

WITNESSETH THAT:

WHEREAS, the City encouraged the development of real property and the acquisition of real property located in the area designated as a Community Reinvestment Area; and

WHEREAS, the Property Owner is desirous of establishing a Young Explorers Montessori childcare facility with a primary focus on learning and social development (hereinafter referred to as “the Project”), within the boundaries of the aforementioned Community Reinvestment Area, provided that the appropriate development incentives are available to support the economic viability of said Project; and

WHEREAS, the Council of the City of North Ridgeville, Ohio, by Resolution No. 768.94 adopted June 20, 1994 and amended in Resolution No. 1415-2017, adopted December 4, 2017, has designated the area defined by the corporate boundaries of the City of North Ridgeville as a “Community Reinvestment Area” pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, the Director of Development of the State of Ohio determined that the aforementioned area designated in Resolution Nos. 768-94 and 1415-2017 contained the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as a Community Reinvestment Area under said Chapter 3735 of the Ohio Revised Code; and

WHEREAS, the City of North Ridgeville, having the appropriate authority for the stated type of said Project, is desirous of providing Property Owner with incentives available for the development of the Project in said Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

WHEREAS, Property Owner, by and through its designated agent, has submitted a proposed agreement application to the City of North Ridgeville (hereinafter referred to as “Application” and attached as Exhibit A); and

WHEREAS, the Mayor of the City of North Ridgeville has investigated the Application of the Property Owner and has recommended the same to Council on the basis that the Property Owner is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Community Reinvestment Area, to establish a business that will be beneficial to the residents of the City, and to improve the economic climate of the City of North Ridgeville; and

WHEREAS, the North Ridgeville Tax Abatement Review Board has considered the Application in an open meeting and has voted to recommend approval of the Property Owner's request for a Community Reinvestment Area tax abatement agreement; and

WHEREAS, the project site, as proposed by the Property Owner, is located in the North Ridgeville School District, the Lorain County Joint Vocational School District, and the Board of Education of the City of North Ridgeville and have been notified in accordance with Section 5709.83 of the Ohio Revised Code or have otherwise agreed by separately executed contract to consent to the City's execution of the Abatement Agreement; and

WHEREAS, pursuant to Section 3735.67(A) and in accordance with the format required under Section 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their Agreement with respect to matters hereinafter contained; and

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. Property Owner shall construct a childcare facility with square footage of approximately 12,000 to 15,000 including classrooms, playgrounds, gardens and parking which can accept up to approximately 450 children/students.

The Project will involve a total investment by the Property Owner of \$1,700,000, as detailed in paragraph 12 of Exhibit A "Tax Incentive Request" form in new construction, machinery and equipment, and furniture and fixtures, plus or minus 10%, at the site. The Project will begin September of 2019 and will be completed by December of 2023.

Young Explorers Montessori, LLC, shall introduce 26 full-time permanent employees and 12 part-time employees at the site. The estimated annual payroll for the employees shall be \$625,000.

Property Owner shall provide to the North Ridgeville Tax Abatement Review Board or other public Tax Incentive Review Council any information reasonable required by Council to evaluate the Property Owner's compliance with the Agreement, including returns filed pursuant to section 5711.02 of the Ohio Revised Code, if requested by Council.

2. The City hereby grants the Property Owner a Class 1 tax abatement for the real property improvements in the form of new construction of commercial structures made to the project site pursuant to Section 3735.67 of the Ohio Revised Code and shall be in the following amounts: 100% of the increase in real property taxes for the first five (5) years after commencement of the exemption, 80% for the 6th year, 60% for the 7th year, 40% for the 8th year, 20% for the 9th year, and 0% for the 10th year and any subsequent year. The exemption commences the first year for which improvements to the real property would first be taxable were that property not exempted from taxation.

<u>Year of Tax Exemption</u>	<u>Tax Exemption Amount</u>
1.	100%
2.	100%
3.	100%
4.	100%
5.	100%
6.	80%
7.	60%
8.	40%
9.	20%
10.	0%

Property owner must file the appropriate tax forms with the County Auditor to effect and maintain the exemptions covered in the Agreement.

Property owner shall not be required to pay an annual fee, the same having been waived by the City.

Property Owner shall pay all such real and tangible property taxes which are not exempted under this Agreement and are charged against such property, and shall file all Tax reports and returns as required by law. If the Property owner fails to pay such taxes or fails to file such returns and reports, all incentives granted under this Agreement are rescinded beginning with the year for which the taxes are charged or such reports or returns are required to be filed and thereafter.

The City of North Ridgeville shall perform such acts as are reasonably necessary and appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

If for any reason the Community Reinvestment Area designation expires, the Director of the Ohio Department of Development revokes certification of the zone, or the City of North Ridgeville revokes the designation of the zone, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Property owner and/or its assignees materially fail to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation granted under this Agreement.

If the Property Owner materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this agreement are false or fraudulent, the City may terminate or modify the exemptions from taxation granted under this Agreement, and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this Agreement.

3. Property Owner hereby certifies that at the time this Agreement is executed, the Property Owner does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which the Property Owner is liable under Chapters 5733, 5735, 5739, 5741, 5743, 5747, or 5753 of the Ohio Revised Code, or, if such delinquent taxes are owed, the property Owner currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof has filed a petition of bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against Property Owner. For the purposes of certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Property Owner affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any monies to the State or a State agency for the administration or enforcement of any environmental laws of the State; and (3) any other monies to the State, a State agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

Property Owner and the City of North Ridgeville acknowledge that this Agreement has been approved by formal action of the legislative authority of the City.

The City has developed a policy to ensure recipients of Community Reinvestment Area tax benefits practice non-discriminating hiring in its operation. By execution of this Agreement, Property Owner is committing to following non-discriminatory hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.

Exemptions from taxation granted under this Agreement shall be revoked if it is determined that Property Owner, any successor property owner, or any related member (as those terms are defined in Section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this Agreement under Division (E) of Section 3735.671 or Section 5709.62 or Section 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.

4. Property Owner affirmatively covenants that it has made no false statements to the State or local political subdivision in the process of obtaining approval of the Community Reinvestment Area incentives. If any representative of Property Owner has knowingly made a false statement to the State or local political subdivision to obtain the Community Reinvestment Area incentives, Property Owner shall be required to immediately return all benefits received under the Community Reinvestment Area Agreement pursuant to O.R.C. Section 9.66(C)(2) and shall be ineligible for any future economic development assistance from the State, any State Agency, or a political subdivision pursuant to O.R.C. Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree pursuant to O.R.C. Section 2921.13(D)(1) which is punishable by a fine of not more than \$1,000.00 and/or a term of imprisonment of not more than six months.

This Agreement is not transferrable or assignable without the express, written approval of the City.

5. In consideration of the City's agreement to abate property taxes as authorized by State law and for the waiver of the annual fee noted in paragraph 2 above, Property Owner shall annually, on or before July 15th, pay the City of North Ridgeville City Schools an amount equal to Ten Thousand Dollars (\$10,000.00) in the first five years and then in an amount equal to Five Thousand Dollars (\$5,000.00) in the sixth year. Property Owner shall also make this annual payment in equal quarterly payments, if so requested by the North Ridgeville City Schools.

**THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK WITH
SIGNATURES APPEARING ON THE FOLLOWING PAGE.**

IN WITNESS WHEREOF, the City of North Ridgeville, Ohio, by its Mayor, and pursuant to Resolution No. 1568-2022, has caused this instrument to be executed this ____ day of _____, 2022, and the Property Owner by William R. Scott, CEO/Owner of Young Explorers Montessori, have caused this instrument to be executed on this ____ day of _____, 2022.

CITY OF NORTH RIDGEVILLE

By: _____
Mayor Kevin Corcoran

-and-

PROPERTY OWNER

YOUNG EXPLORERS MONTESSORI

By: _____
William R. Scott, CEO/Owner

APPROVED AS TO FORM:

By: _____
Brian Moriarty
Director of Law for the City of North Ridgeville

Exhibit A



CITY OF NORTH RIDGEVILLE



OFFICE OF THE MAYOR

G. David Gillock, Mayor
Jeffrey J. Armbruster, Safety-Service Director

TAX INCENTIVE REQUEST

Tax Incentive Request between the City of North Ridgeville located in the County of Lorain and _____ for Community Reinvestment Area (CRA).

- 1. a. Name of business, home or main office address, contact person and telephone number (attach additional pages if multiple enterprise participants):

<u>Young Explorers Montessori</u> Enterprise Name	<u>William Scott</u> Contact Person
<u>59 East Garfield Road</u>	<u>330-274-1666</u> Telephone Number
<u>Aurora, Ohio 44202</u> Address	<u>will@yeschools.com</u> E-mail

- b. Project site:

<u>Parcel# 0700028101169</u> <u>0700028101037</u>	_____ Contact Person
<u>36516 & 36536 Center Ridge Rd.</u>	_____ Telephone Number
<u>North Ridgeville, Ohio 44039</u> Address	_____ E-mail

- 2. a. Nature of business (manufacturing, warehousing, wholesale or retail stores or other):

Childcare Montessori

- b. If a consolidation, what are the components of the consolidation? (must itemize the Location, assets and employment positions to be transferred):

- 2 -

c. Form of business or enterprise (corporation, partnership, proprietorship or other:

LLC

3. Name of principal owner(s) or officers of the business:

William R. Scott Jr.

Rita M. Scott

4. Is business seasonal in nature? Yes No

5. a. State the enterprise's current employment level at the proposed project site:

New construction. No employees yet

b. Will the project involve the relocation of employment positions or assets from one Ohio Location to another? Yes No

c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees):

Full-time 105

Part-Time 22

e. State the enterprise's current employment level for each facility to be affected by the Relocation of employment positions or assets:

No facilities will be affected. Not a relocation.

f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?

Not a relocation

6. Project Description: To build a new Montessori childcare school with square footage of 12,000 to 15,000. Playground, gardens and parking

- 3 -

7. Project will begin proposed September, 20 19
 and be completed proposed June, 20 20

8. a. Estimate the number of new employees the business intends to hire at the facility that is the project site (job creation projection must be itemized by full and part-time and by permanent and temporary): Approximately 26 full time and 12 parttime

9. a. Estimate the amount of annual payroll such new employees will add \$ _____
 (New annual payroll must be itemized by full and part-time and permanent and Temporary new employees). Full time: est. \$ 550K/yr.
Parttime: est. \$ 75K/yr.

b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ _____

10. Market value of the existing site as determined for local property taxation:
 \$ \$ 244K

11. a. Business's total current investment in the facility as of the proposal's submission:
 \$ \$ 250K

b. State the business's value of on-site inventory required to be listed in the personal property tax return of the enterprise in the return for the tax years (stated in average monetary value per most recent 12 month period) in which the agreement is entered into (baseline inventory): \$ 25K

12. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or Occupy a facility:

A.	Acquisition of Buildings:	\$	<u>244K</u>
B.	Additions/New Construction:	\$	<u>1,200K</u>
C.	Improvements to existing buildings:	\$	<u>0</u>
D.	Machinery & Equipment:	\$	<u>30K</u>
E.	Furniture & Fixtures:	\$	<u>200K</u>
F.	Inventory:	\$	<u>25K</u>
	Total New Project Investment:	\$	<u>1.7 million</u>

13. a. Business requests the following tax exemption per Resolution 768-94:

Class 1 _____

Class 2 _____

Class 3 _____

b. Business's reasons for requesting tax incentive (be quantitatively specific as possible):

Building a new business in a community with low brand awareness requires business acumen, patience and commitment to North Ridgerville. Our forecast of being cashflow positive within 3-5 years has a greater potential with tax incentives. It will also allow us to expand the building should the population dictates.

Applicant agrees to supply additional information upon request.

The applicant believes that the information contained in and submitted with this application is complete and correct.

Young Explorers Montessori
Name of Enterprise (print)

July 15, 2019
Date

William R. Scott Jr
Signature

William R. Scott Jr.
Name (print)

CEO/owner
Title (print)

DATE:	<u>May 16, 2022</u>	1 ST READING:	<u>May 16, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>Dispensed</u>
REFERRED BY:	<u></u>	3 RD READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 85-2022</u>	ADOPTED:	<u>May 16, 2022</u>
		EMERGENCY:	<u>May 16, 2022</u>

RESOLUTION NO. 1569-2022

A RESOLUTION TO AUTHORIZE THE EXECUTION OF THEN AND NOW CERTIFICATES BY THE FISCAL OFFICER AND THE PAYMENT OF AMOUNTS DUE FOR VARIOUS PURCHASE ORDERS, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ohio Revised Code Section 5705.41(D)(1), the City may not enter into any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the City’s Fiscal Officer that the amount required to meet the obligation has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances; and

WHEREAS, Ohio Revised Code Section 5705.41(D)(1) further provides that in such circumstances when no certificate is furnished as required and the expenditure is for \$3,000.00 or more, the City’s Council, as the City’s taxing authority, may authorize the drawing of a warrant in payment of amounts due upon such contract or order upon certification by the City’s Fiscal Officer that there was at the time of the execution of such certificate a sufficient sum appropriated for such purpose in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances; and

WHEREAS, the City’s Fiscal Officer certifies that the expenditure was and is properly appropriated and otherwise lawful; sufficient funds were and are available or in the process of collection to the credit of the proper fund, and the funds were and are free from any previous encumbrance; and

WHEREAS, the City is issuing Then and Now Certificates in connection with payments due and owing as shown in Exhibit A attached; and

WHEREAS, City Council deems it to be in the best interest of the health, safety, and welfare of the City to approve the execution by the City Fiscal Officer of Then and Now Certificates, and to authorize the payment of amounts due under the contracts or orders requiring the expenditure of \$3,000.00 or more.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. City Council, pursuant to Ohio Revised Code Section 5705.41(D)(1), hereby approves the execution of the Then and Now Certificates by the Fiscal Officer and authorized payment due and owing as shown in Exhibit A attached and incorporated herein.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Resolution is hereby declared to be an emergency measure, the emergency being in order to address the time-sensitive invoices for the various purchase orders. Wherefore, this Resolution shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: May 16, 2022



Jason R. Jacobs
PRESIDENT OF COUNCIL

ATTEST :



Nicholas Ciofani
CLERK OF COUNCIL

APPROVED: May 18, 2022



Kevin Corcoran
MAYOR

EXHIBIT A

City of North Ridgeville
Then and Now Certification Summary

	<u>Certification Date</u>	<u>Invoice Date</u>	<u>Amount</u>	<u>Purpose</u>
IamGIS	4/26/2022	4/20/2022	15,000.00	Annual software renewal fee

DATE:	<u>May 16, 2022</u>	1 ST READING:	<u>May 16, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>Dispensed</u>
REFERRED BY:	<u></u>	3 RD READING:	<u>Dispensed</u>
TEMPORARY NO:	<u>T 86-2022</u>	ADOPTED:	<u>May 16, 2022</u>
		EMERGENCY:	<u>May 16, 2022</u>

ORDINANCE NO. 5950-2022

**AN ORDINANCE AMENDING ORDINANCE NUMBER 5889-2021
OF THE CITY OF NORTH RIDGEVILLE, OHIO, PROVIDING
APPROPRIATIONS FOR THE PERIOD COMMENCING
JANUARY 1, 2022 AND ENDING DECEMBER 31, 2022, AND
DECLARING AN EMERGENCY.**

WHEREAS, it is necessary to amend the appropriations for certain funds and appropriate other amounts for the operations of the City of North Ridgeville, Ohio.

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

SECTION 1. That to provide for current and other expenditures for the City of North Ridgeville, Ohio for the period commencing January 1, 2022, and ending December 31, 2022, Ordinance No. 5889-2021 be and the same are hereby supplemented in the following amounts so that from and after the effective date of the Ordinance, the appropriation Ordinance shall include the following, being adjusted for the similar terms in the preceding appropriation Ordinance.

SECTION 2. That there be appropriated from the respective funds listed below, the amounts as follows:

<u>Fund Number</u>	<u>Fund</u>	<u>Personal Services</u>	<u>Other</u>	<u>Transfers and Advances</u>	<u>Total</u>
101	General Fund				
	General Government	47,500	11,200	-	58,700
	Total General Fund	<u>47,500</u>	<u>11,200</u>	<u>-</u>	<u>58,700</u>
	Special Revenue Funds				
225	Street Levy	-	25,000	-	25,000
260	Fire Levy	11,400	3,200	-	14,600
262	FEMA Grant	700	200	-	900
263	Paramedic Levy	16,200	4,500	-	20,700
265	Ambulance	3,600	1,000	-	4,600
270	Cemetery	-	2,000	-	2,000
295	Solid Waste	-	4,300	-	4,300
	Total Special Revenue Funds	<u>31,900</u>	<u>40,200</u>	<u>-</u>	<u>72,100</u>
	Debt Service Funds				
314	D/S BR Police Station	-	16,000	-	16,000
354	S/A Victory Lane (POP)	-	3,300	-	3,300
	Total Debt Service Funds	<u>-</u>	<u>19,300</u>	<u>-</u>	<u>19,300</u>
	Capital Project Funds				
482	TIF Improv #3 ORD 5208	-	6,500	-	6,500
	Total Capital Project Funds	<u>-</u>	<u>6,500</u>	<u>-</u>	<u>6,500</u>
	Enterprise Funds				
610	Water	-	4,300	-	4,300
640	Sewer	-	16,700	-	16,700
	Total Enterprise Funds	<u>-</u>	<u>21,000</u>	<u>-</u>	<u>21,000</u>
	Total All Funds	<u>79,400</u>	<u>98,200</u>	<u>-</u>	<u>177,600</u>

SECTION 3. That the Auditor of the City of North Ridgeville is hereby authorized to draw warrants on the Treasury of the City of North Ridgeville for payments on any of the foregoing appropriations, upon receiving proper certification and vouchers, therefore, approved by officers authorized by law to approve the same or by an ordinance or resolution of Council to make the expenditure and provide that no warrants may be drawn or paid for salaries or wages, except to persons employed by authority of or in accordance with law or Ordinance.

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements.

SECTION 5. This Ordinance is hereby declared to be an emergency measure, the emergency being in order to provide the Auditor's office with the necessary financial resources. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: May 16, 2022



Jason R. Jacobs
PRESIDENT OF COUNCIL

ATTEST :



Nicholas Ciofani
CLERK OF COUNCIL

APPROVED: May 18, 2022



Kevin Corcoran
MAYOR

DATE:	<u>March 21, 2022</u>	1 ST READING:	<u>March 21, 2022</u>
INTRODUCED BY:	<u>Councilman DeVries</u>	2 ND READING:	<u>May 2, 2022</u>
REFERRED BY:	<u>Finance Committee</u>	3 RD READING:	<u>May 16, 2022</u>
TEMPORARY NO:	<u>T 53-2022 Amended</u>	ADOPTED:	<u>May 16, 2022</u>
		EMERGENCY:	<u>May 16, 2022</u>

Referred to Finance committee on 4/4/2022
 Finance Committee recommended changes on 4/11/2022
 Council accepted the Finance Committee report on 4/18/2022
 Council Amended T53-2022 on 5/2/2022

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE EXECUTION OF THEN AND NOW CERTIFICATES BY THE CITY FISCAL OFFICER AND THE PAYMENT OF AMOUNTS DUE FOR VARIOUS PURCHASE ORDERS, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ohio Revised Code Section 5705.41(D)(1), the City may not enter into any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the City’s Fiscal Officer that the amount required to meet the obligation has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances; and

WHEREAS, Ohio Revised Code Section 5705.41(D)(1) further provides that in such circumstances when no certificate is furnished as required and the expenditure is for \$3,000.00 or more, the City’s Council, as the City’s taxing authority, may authorize the drawing of a warrant in payment of amounts due upon such contract or order upon certification by the City’s Fiscal Officer that there was at the time of the execution of such certificate a sufficient sum appropriated for the purpose of such contract in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances; and

WHEREAS, such certificate of the City Fiscal Officer is known as a “Then and Now Certificate”, meaning that both at the time of making the contract or order and at the date of execution of the certification funds were appropriated and in treasury or the process of collection to the credit of the appropriate fund; and

WHEREAS, the City is issuing Then and Now Certificates in connection with payments due and owing; and

WHEREAS, City Council deems it to be in the best interest of the health, safety, and welfare of the City to approve the execution by the City Fiscal Officer of Then and Now Certifications, and to authorize payment of amounts due under the contracts or orders requiring the expenditure of \$3,000.00 up to \$20,000.00.

WHEREAS, City Council deems it necessary to review and approve prior to the execution by the City Fiscal Officer of Then and Now Certifications and authorize payments of amounts due under contracts or order which exceeds \$20,000.00.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. The North Ridgeville City Council, pursuant to Section 5705.41(D)(1) of the Ohio Revised Code, hereby authorizes and approves the execution of Then and Now Certification by the City Fiscal Officer and authorizes payments due and owing of \$3,000.00 up to \$20,000.00.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance is hereby declared to be an emergency measure, the emergency being in order to provide the Auditor's office with the necessary financial resources. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: May 16, 2022



Jason R. Jacobs
PRESIDENT OF COUNCIL

ATTEST :



Nicholas Ciofani
CLERK OF COUNCIL

APPROVED: May 18, 2022



Kevin Corcoran
MAYOR

DATE:	<u>April 18, 2022</u>	1 ST READING:	<u>April 18, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>May 2, 2022</u>
REFERRED BY:	<u></u>	3 RD READING:	<u>May 16, 2022</u>
TEMPORARY NO:	<u>T 65-2022</u>	ADOPTED:	<u>May 16, 2022</u>

ORDINANCE NO. 5952-2022

**AN ORDINANCE REPEALING AND REPLACING N.R.C.O.
CHAPTER 264, CIVIL SERVICE COMMISSION.**

WHEREAS, the North Ridgeville Civil Service Commission will expand its Rules and Regulations to include the Police lateral hire program, and adjust its requirements accordingly; and

WHEREAS, the City of North Ridgeville Police Department is currently experiencing, and in the future from time to time may experience, an urgent and continuing need to attract additional good and qualified Civil Service candidates in numbers sufficient to fill all existing and anticipated vacancies with high-quality candidates; and

WHEREAS, the City of North Ridgeville, through its Charter, has reserved to itself all home rule powers available to a municipality, and pursuant to that authority wishes to implement the use of lateral hires, also known as lateral transfers, into the City’s Civil Service structure; and

WHEREAS, the lateral hire program shall be administered by the Civil Service Commission in keeping with the dictates of the North Ridgeville City Charter at Section 10.4; and

WHEREAS, the basis for appointment to any Civil Service position is and shall continue to be the merit and fitness of each candidate as called for by the North Ridgeville City Charter at Section 10.4.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. N.R.C.O. Chapter 264 *Civil Service Commission* is hereby repealed and replaced with the following:

264.01 OPERATION.

The Civil Service Commission shall operate under the North Ridgeville City Charter and according to the general laws of the State of Ohio. It shall adopt such other rules, regulations and by-laws as deemed necessary to conduct its business.

264.02 MEMBERSHIP.

The Civil Service Commission shall consist of three electors of the City not holding any other municipal office or appointment within the City of North Ridgeville. Members are appointed and may be removed, by the Mayor and approved by a majority of the Council for a six (6) year term.

264.03 MEETINGS.

Members may meet monthly or as necessary to transact the business of the Commission.

Members are guided in their activities by Article XV of the Constitution of the state of Ohio, by Article 10 of the Charter of the city of North Ridgeville, by O.R.C. Chapter 124, and by the Rules and Regulations adopted and amended by the North Ridgeville Civil Service Commission.

264.04 RECORDING SECRETARY.

- (a) Establishment. In accordance with Article X, Section 10.2, of the City Charter, there is hereby established the position of Recording Secretary for the Civil Service Commission, who shall be appointed by and serve at the will of such Commission and who shall be in the unclassified civil service.
- (b) Duties. It shall be the duty of the Recording Secretary to take minutes of all meetings of the Civil Service Commission, prepare correspondence and perform such stenographic and clerical work as such Commission may direct. (Ord. 111-62. Passed 5-7-62.)

264.05 LATERAL HIRES.

1. (a) Applicants must have at least three (3) years of experience as a police officer, or five (5) years of paid part-time experience of no less than 200 hours per year. Starting pay will reflect three years of experience as, a Class A Patrol Officer. All other benefits will be the benefits afforded to a starting police officer.
 - (b) Seniority will start at the date of hire.
 - (c) Applicants must be OPOTA trained.
 - (d) Applicants will have a one-year probationary period which will begin after field training is completed.
 - (e) Applicants must be an American citizen, a resident of Ohio, and must pass all other applicable and customary qualifications,

including but not limited to, a background check, CVSA testing, and fitness testing.

2. Any additional rules and regulations necessary to fully implement a lateral hire program shall be made upon the deliberation and vote of the Civil Service Commission to appropriately integrate and allow for the use of lateral hires in the existing Civil Service framework. Additionally, the following shall apply:
 - (a) When utilizing lateral hiring, the Civil Service Commission (CSC) shall certify up to seven (7) names to the hiring authority as the certified eligibility list and an additional three (3) names may be reviewed by the hiring authority from the existing current certified lateral hire list.
 - (b) Names on the lateral hire list shall remain active for one year after the date of application, unless the applicant asks for the name to be removed, or unless the name is removed for another satisfactory reason.
 - (c) No extra credit will be afforded to lateral hires. However, applicants may utilize both the lateral hire process and the Civil Service entrance examination process simultaneously.
 - (d) The Civil Service Commission shall fully develop the lateral hire program and advertise for positions, develop, accept, and maintain applications, forms, and all related paperwork. It shall set a reasonable fee for the application process.
 - (e) The Civil Service Commission shall communicate with applicants; maintain the integrity of the process; review all applications for completeness; develop a lateral hire list for the appointing authority; and adjust the existing Civil Service Commission rules and regulations to take into account the use of a lateral hire program.
3. To the extent practicable, lateral hires will be required to follow or to approximate the same requirements as all other eligible Civil Service candidates.
4. The lateral hire program shall remain as a hiring option until and unless ended by a majority vote of Council. However, upon the request of the Chief of Police and upon deliberation and vote of the

Civil Service Commission, or upon the deliberation and vote of the Civil Service Commission alone, the lateral hiring option may be bypassed and is not required to be used with every hiring cycle.


264.06 APPROPRIATIONS.

Council shall appropriate a sufficient sum for the Civil Service Commission to carry out the provisions of the Charter.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: May 16, 2022



Jason R. Jacobs
PRESIDENT OF COUNCIL

ATTEST :



Nicholas Ciofani
CLERK OF COUNCIL

APPROVED: May 18, 2022



Kevin Corcoran
MAYOR

DATE:	<u>April 18, 2022</u>	1 ST READING:	<u>April 18, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>May 2, 2022</u>
REFERRED BY:	<u></u>	3 RD READING:	<u>May 16, 2022</u>
TEMPORARY NO:	<u>T 67-2022</u>	ADOPTED:	<u>May 16, 2022</u>
		EMERGENCY:	<u>May 16, 2022</u>

ORDINANCE NO. 5953-2022

PID NO. 102703

PROJECT NAME: LOR SR 0083 10.79

**AN ORDINANCE COOPERATING WITH THE DIRECTOR
OF THE OHIO DEPARTMENT OF TRANSPORTATION
TO REPLACE THE BRIDGE DECK AND PARAPETS ON
LOR SR 0083 10.79 WHICH CROSSES OVER SR 0010
WITH THE CITY OF NORTH RIDGEVILLE, AND
DECLARING AN EMERGENCY.**

WHEREAS, in the opinion of Council, and upon the recommendation of the Ohio Department of Transportation that it would be conducive to the public welfare and safety of the motoring public to replace the bridge deck and parapets on St. Rt. 83, which crosses over St. Rt. 10; and

WHEREAS, upon passage of this ordinance, the Engineer shall return an electronic copy to Lisa.Pawlikowski@dot.ohio.gov.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1 – Project Description

The State has identified the need for the described project:

The purpose of the project is to replace the bridge deck and parapets on LOR SR 0083 10.79, which crosses over SR 0010 within the city of North Ridgeville.

Construction is tentatively scheduled to begin in 2025.

SECTION II – Consent Statement

Being in the public interest, the City gives consent to the Director of Transportation to complete the above-described project.

SECTION III – Cooperation Statement

The City shall cooperate with the Director of Transportation for the portion of this project within the North Ridgeville Corporation limit, as follows:

- 1) *ODOT agrees to assume and bear one hundred percent (100%) of the preliminary engineering costs, and environmental studies costs.*
- 2) *ODOT agrees to assume and bear one hundred percent (100%) of the necessary bridge-related costs.*
- 3) *The City agrees to assume and bear one hundred percent (100%) of the cost of the bridge aesthetics. A preliminary cost estimate for the City's share of this project is \$35,000 for construction costs and \$3,500 for construction engineering (inspection). This is for the addition of aesthetic lettering stating "North Ridgeville" on both the bridge parapets to be visible from SR 0010.*

SECTION IV – Maintenance

Upon completion of the described Project, and unless otherwise agreed, the City shall:

- 1) Provide adequate maintenance for the described Project in accordance with all applicable state and federal laws;
- 2) Provide ample financial provisions, as necessary, for the maintenance of the described project;
- 3) Maintain the right-of-way, keeping it free of obstructions; and hold said right-of-way inviolate for public highway purposes.

SECTION V – Utilities and Right-of-Way Statement

The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Ordinance No. 5953-2022
Page 3.

SECTION VI – Authority to Sign

The Mayor of said City of North Ridgeville is hereby empowered on behalf of the City of North Ridgeville to enter into contracts with the Director of Transportation necessary to complete the above-described project.

SECTION VII – Legal Requirements

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION VIII – Effective Date

This Ordinance is hereby declared to be an emergency measure, the emergency being in order to submit a decision by June 1, 2022, to the Ohio Department of Transportation. Wherefore, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: May 16, 2022



Jason R. Jacobs
PRESIDENT OF COUNCIL

ATTEST :



Nicholas Ciofani
CLERK OF COUNCIL

APPROVED: May 18, 2022



Kevin Corcoran
MAYOR

DATE:	<u>April 18, 2022</u>	1 ST READING:	<u>April 18, 2022</u>
INTRODUCED BY:	<u>Mayor Corcoran</u>	2 ND READING:	<u>May 2, 2022</u>
REFERRED BY:	<u></u>	3 RD READING:	<u>May 16, 2022</u>
TEMPORARY NO:	<u>T 69-2022</u>	ADOPTED:	<u>May 16, 2022</u>

ORDINANCE NO. 5954-2022

**AN ORDINANCE AUTHORIZING THE MAYOR TO
ENTER INTO AN AGREEMENT TO AMEND A
MEMORANDUM OF GROUND LEASE AGREEMENT
WITH PMJ PARK HOLDINGS, LLC.**

WHEREAS, the City of North Ridgeville owned an approximately sixty-seven (67) acre parcel of land identified in the County records as parcel number 07-00-003-102-084 (the “original property”), which was subject to a fifty (50) year lease with Ohio Sports Park, Inc. (“OSP”) PMJ Park Holdings, LLC (hereinafter “PMJ”), the operator of a sports park at the site, and

WHEREAS, PMJ Park Holdings, LLC, acquired the interest of OPS in the Ground lease by Sheriff’s Deed (Conveyance of ground lease Interest) dated December 10, 2010, recorded on December 15, 2010, with the Lorain County Recorder bearing the instrument number 2011-0376704; and

WHEREAS, the Memorandum of Ground Lease Agreement was made by the City and PMJ on May 31, 2011, and recorded on June 22, 2011, with the Lorain County Recorder and bearing instrument number 2011-0357541; and

WHEREAS, the City, with Council approval, and PMJ previously agreed to amend its Lease Agreement allowing for a split of said parcel and the subsequent sale of a three (3) acre portion to a third party for the development of an athletic training facility; and

WHEREAS, after the property split, the remainder was recorded as permanent parcel number 07-00-003-102-101; and

WHEREAS, the City, as well as the tenant, PMJ Park Holdings, LLC, desire to create an Easement Agreement between the City of North Ridgeville and Jo Boo Entertainment, LLC, for the use, maintenance, and ability to park and operate vehicles on permanent parcel number 07-00-003-102-101 (see attached as Exhibit “A”); and

WHEREAS, the Ground Lease Agreement and subsequent Amendment to Ground Lease Agreement between the City and PMJ must be amended to include the Easement Agreement as a “Permitted Exception.”

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. The Mayor is authorized to enter into an agreement to amend the Ground Lease Agreement, and subsequent Amendment to the Ground Lease Agreement to include the Easement Agreement as set forth in Exhibit "A", as a Permitted Exceptions.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: May 16, 2022



Jason R. Jacobs
PRESIDENT OF COUNCIL

ATTEST :



Nicholas Ciofani
CLERK OF COUNCIL

APPROVED: May 18, 2022



Kevin Corcoran
MAYOR

AMENDMENT TO GROUND LEASE AGREEMENT

THIS AMENDMENT TO GROUND LEASE AGREEMENT (“Amendment”) is made on April ____, 2022, by and between the City of North Ridgeville, Ohio (as “Landlord”), and PMJ Park Holdings, LLC (as “Tenant”).

W I T N E S S E T H:

WHEREAS, the Landlord and Ohio Sports Park, Inc. (“OSP”) entered into an Option and Lease Agreement dated April 16, 2009, (the “Ground Lease”); and

WHEREAS, Tenant acquired the interest of OSP in the Ground Lease by Sheriff’s Deed (Conveyance of Ground Lease Interest) dated December 10, 2010, recorded on December 15, 2010, with the Lorain County Recorder and bearing the instrument number 2011-0376704; and

WHEREAS, a Memorandum of Ground Lease Agreement was made by the Landlord and tenant on May 31, 2011, and recorded on June 22, 2011, with the Lorain County Recorder and bearing the instrument number 2011-0357541; and

WHEREAS, the Landlord and the Tenant desire to create an Easement Agreement between the City of North Ridgeville and Jo Boo Entertainment, LLC, for the use, maintenance, and ability to park and operate vehicles on said property (permanent parcel number 07-00-003-102-101); and

WHEREAS, the Landlord and Tenant desire to amend the Ground Lease in order effectuate an Easement Agreement, as set forth in Exhibit “A” and incorporated herein, as a “Permitted Exception” to the Ground Lease Agreement.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration and the covenants and conditions more particularly set forth herein, the Landlord and Tenant do hereby agree that the Ground Lease shall be and is amended and modified as follows:

1. Amend the “Permitted Exceptions” set forth in Exhibit “A” of the Ground Lease Agreement to include the following easement:

EASEMENT LEGAL DESCRIPTION

Victory Sports Park
North Ridgeville, Ohio

Situated in the City of North Ridgeville, County of Lorain, State of Ohio, being part of Original Ridgeville Township Lot No. 3, being part of a 61.492 deed acres parcel of land known as Lorain County Auditor's Parcel No. 07-00-003-102-094

now or formerly owned by the City of North Ridgeville as recorded in Instrument 2020-0751380 of Lorain County Deed Records, and being part of Remainder Parcel 4-D-1 in the Lot Split Survey for 7777 Victory Lane as recorded in Plat Instrument _____ L.C.M.R. and being more completely described as follows:

Commencing on the easterly right-of-way line of Victory Lane (variable width right-of-way) (Dedication Plat Volume 95, Page 49 L.C.M.R.) at a northwesterly corner of said Remainder Parcel 4-D-1; thence South 01° 35' 49" West, along the easterly right-of-way of Victory Lane, 226.54 feet to a point, and being the **PLACE OF BEGINNING** for the parcel herein described;

Course No. 1: thence South 88° 24' 11" East, 270.19 feet to a point;

Course No. 2: thence North 01° 34' 43" East, partially along a westerly line of said Parcel 4-D1, 499.24 feet to a northwesterly corner of said Parcel 4-D-1;

Course No. 3: thence South 88° 26' 28" East, along a northerly line of said Parcel 4-D-1, 342.59 feet to a northeasterly corner of said Parcel 4-D-1;

Course No. 4: thence South 01° 33' 32" West, partially along a easterly line of said Parcel 4- D-1, 849.46 feet to a point;

Course No. 5: thence North 88° 24' 11" West, 613.19 feet to the easterly right-of-way of Victory Lane;

Course No. 6: thence North 01° 35' 49" East, along the easterly right-of-way of Victory Lane, 350.00 feet to the PLACE OF BEGINNING, containing 8.854 acres, more or less, but subject to all highways, covenants, and easements of legal record as prepared in February 2022 by **McSteen Land Surveyors** under Project No. 22-026.

2. Lease Ratification. Except as amended hereby the Ground Lease shall remain in full force and effect, and, as amended hereby, the Ground Lease is hereby ratified, confirmed and approved.

3. Successors and Assigns. This Amendment shall be binding upon and inure to the benefit of the parties hereto, their respective successors and assigns.

4. Governing Law. This Amendment shall be governed by and construed in accordance with the laws of the State of Ohio.

5. Recording of this Amendment. This Amendment may be recorded with the Lorain County Recorder by either party.

6. Counterparts. This Amendment may be executed in counterparts, each of which shall be deemed an original, and all of which together shall constitute one document.

IN WITNESS WHEREOF, the parties have hereunto set their hands on the day and year first above written.

LANDLORD:

CITY OF NORTH RIDGEVILLE, OHIO

By: _____
Kevin Corcoran, Mayor

TENANT:

PMJ PARK HOLDINGS, LLC

By: _____

Name: _____

Its: _____

(Notary Clauses on following page)

STATE OF)
) SS:
 COUNTY OF LORAIN)

On the ___ day of _____, 2022, before me personally appeared Kevin Corcoran, Mayor of the City of North Ridgeville, Ohio, as Landlord, signer of the foregoing instrument and acknowledged the same to be his free act and deed as such office holder, and the free act and deed of said City.

 Notary Public

STATE OF)
) SS:
 COUNTY OF LORAIN)

On the ___ day of _____, 2022, before me personally appeared Joe Borkey, the _____ of PMJ Park Holdings, LLC, as Tenant, signer of the foregoing instrument and acknowledged the same to be his free act and deed as such officer, and the free act and deed of said limited liability company.

 Notary Public

PREPARED BY:
 Brian Moriarty
 Law Director
 City of North Ridgeville

EXHIBIT A

VICTORY SPORTS PARK EASEMENT AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that the City of North Ridgeville, claiming title by virtue of an instrument recorded in the Lorain County Deed Records to real property identified as parcel number 07-00-003-102-094 by the Lorain County Auditor's Office, hereinafter together with their successors and assigns, referred to herein as the GRANTOR, for the sum of One Dollar (\$1.00) and other goods and valuable consideration the receipt of which is hereby acknowledged, does hereby give and grant unto Joe Boo Entertainment, LLC, referred to herein as the GRANTEE, an easement to use, maintain, park and/or operate vehicles upon the easement area as set forth in Exhibit "A" attached hereto and by this reference made part hereof.

Said easement and rights herein granted shall include the right of reasonable ingress and egress upon, over and across Grantor's premises for access to and from and by and through the Easement Area herein granted. The terms of the easement may be altered and/or amended as necessary by the GRANTOR.

Said easement and rights herein granted are conditioned upon the amendment to the current Lease Agreement and Amendment to Ground Lease Agreement GRANTOR has with PMJ Park Holdings, LLC, recognizing this easement agreement as a "Permitted Exception" to said Agreements.

The GRANTOR and assigns covenant with the GRANTEE, its successors and assigns, that it is well seized of the above described premises as a good and indefeasible estate in fee simple, subject to all prior easements and other encumbrances of record, and has good right to bargain and grant the same in the manner and form as above written, and that it will warrant and defend said premises with the appurtenances thereunto belonging to the GRANTEE, its successors and assigns, against all lawful claims and demands whatsoever for the purposes herein described by any parties claiming rights by, through or under GRANTOR.

GRANTEE will repair or replace all damage to GRANTOR'S premises or to GRANTOR'S property or facilities located on said premises caused by or related to the use or operation of this easement. The GRANTOR reserves the right to use the area herein described for any purpose and in any manner whatsoever, provided that such use does not interfere with or obstruct the rights herein granted. Any waivers and/or indemnifications set forth in pertinent lease agreements remain in effect.

GRANTEE, by exercising the rights herein granted, agrees that the work herein contemplated and use of Easement shall be done at the sole cost and expense of the GRANTEE

and no assessments of any kind shall be levied against the premises of the GRANTOR and assigns, by reason of the installation, operation, maintenance, repair or removal of any property.

IN WITNESS WHEREOF, the undersigned have duly executed the Easement this _____ day of April, 2022.

GRANTOR: CITY OF NORTH RIDGEVILLE

Mayor Kevin Corcoran
Date: _____

STATE OF OHIO)
)
COUNTY OF LORAIN) **SS:**

The foregoing instrument was signed by the Grantor, the City of North Ridgeville, before me this _____ day of _____, 2022.

Notary Public

GRANTEE: JOE BOO ENTERTAINMENT, LLC

Joseph Borkey
Date: _____

STATE OF OHIO)
)
COUNTY OF LORAIN) **SS:**

The foregoing instrument was signed by the Grantee, Joe Boo Entertainment LLC, by and through it duly authorized representative, Joseph Borkey, before me this ____ day of _____, 2022.

Notary Public

This document was prepared by:

Brian Moriarty, Law Director
City of North Ridgeville

EXHIBIT "A"

EASEMENT LEGAL DESCRIPTION

Victory Sports Park
North Ridgeville, Ohio

Situated in the City of North Ridgeville, County of Lorain, State of Ohio, being part of Original Ridgeville Township Lot No. 3, being part of a 61.492 deed acres parcel of land known as Lorain County Auditor's Parcel No. 07-00-003-102-094 now or formerly owned by the City of North Ridgeville as recorded in Instrument 2020-0751380 of Lorain County Deed Records, and being part of Remainder Parcel 4-D-1 in the Lot Split Survey for 7777 Victory Lane as recorded in Plat Instrument _____ L.C.M.R. and being more completely described as follows:

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