

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2016-94

By Nick Haschka Sponsored By Mayor Cyril M. Kleem

AN ORDINANCE

APPROVING, RATIFYING AND AFFIRMING THE 2015 ANNUAL REPORT, MINUTES AND ACTIONS OF THE TAX INCENTIVE REVIEW COMMITTEE FOR COMMERCIAL COMMUNITY REINVESTMENT AREA REAL ESTATE TAX ABATEMENTS ENTERED INTO AFTER 2008 IN THE CITY OF BEREA.

WHEREAS, the Tax Incentive Review Committee for the City of Berea meets annually to review the prior year's activities of entities that have qualified for and participate in Community Reinvestment Area Agreements within the City of Berea; and

WHEREAS, the 2015 meeting of said Tax Incentive Review Committee has been held according to law and said committee has issued its Report for 2015 Reviews and Minutes of said meeting the same being attached hereto as Exhibit "A" and incorporated herein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio;

SECTION 1. That the Council of the City of Berea hereby approves, ratifies and affirms the 2015 Annual Report of the Tax Incentive Review Committee for Community Reinvestment Area Agreements (for 2015 activities) and the Minutes of its meeting held on July 14, 2016 the same being attached hereto as Exhibit "A" and incorporated herein.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that 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 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: December 5, 2016




President of Council

ATTEST: Alyssa Egan
Clerk of Council

APPROVED: December 6, 2016
Cyril M. Kleem
Mayor

APPROVED AS TO FORM:



Director of Law

TAX INCENTIVE REVIEW COUNCIL
July 14, 2016

The Tax Incentive Review Council met on July 14, 2016 and was called to order at 1:30 p.m. by Joseph Micciulla. Present: Marionette Richardson-Scott, Cuyahoga County Planning Commission; Daniel Smith, Resident City of Berea; Ken Weber, Resident City of Berea; and Kevin M. Hinkel, Kadish, Hinkel and Weibel, Attorney for the Berea City School District. Also present were: Brian Dorr, Secretariat Berea, LLC.; Richard Gareau, 1230 West Bagley Road, LLC.; Pamela Hanover, Squire, Patton, Boggs, Attorney for City of Berea; Thomas Norton, City of Berea; and Matthew Madzy, City of Berea.

Moved and seconded that the minutes of the 2015 Tax Incentive Review Council be approved. Vote on the motion was all ayes and no nays. The motion carried and the minutes were approved.

Mr. Micciulla reviewed the status of the City of Berea as a Post-1994 CRA community.

1230 West Bagley, LLC

Mr. Madzy stated that this CRA Agreement has been amended by Berea City Council and introduced the President of 1230 West Bagley, LLC., Mr. Richard Gareau. There was discussion about the number of jobs and payroll created through the CRA Agreement.

Motion was made and seconded that recommended that 1230 West Bagley, LLC is compliant with the terms of the CRA Agreement. Vote all ayes, no nays, the motion carried.

Motion was made and seconded to recommend that the City of Berea and 1230 West Bagley, LLC continue the CRA Agreement. Vote all ayes, no nays, the motion carried.

Secretariat Berea, LLC formerly WXZ Retail Group/Berea, LLC.

Mr. Madzy introduced the project and stated that Mr. Brian Dorr from Secretariat Berea, LLC. was present. The TIRC discussed the fact that the former tenant, Advance Auto, moved out of the location in December, 2015. In response, Mr. Smith mentioned that although the property is now vacant, it appears that there was compliance for 2015 which is the timeframe currently before the TIRC.

Motion was made and seconded that recommended that Secretariat Berea, LLC is compliant with the terms of the CRA Agreement. Vote all ayes, no nays, the motion carried.

Motion was made and seconded to recommend that the City of Berea and Secretariat Berea, LLC continue the CRA Agreement. Vote all ayes, no nays, the motion carried.

AFR Properties, LLC

Following a brief review of the project and terms of the CRA Agreement, Mr. Madzy stated that the developer has exceeded both the required number of jobs and payroll.

Motion was made and seconded that recommended that AFR Properties, LLC. is compliant with the terms of the CRA Agreement. Vote all ayes, no nays, the motion carried.

Motion was made and seconded to recommend that the City of Berea and AFR Properties, LLC. continue the CRA Agreement. Vote all ayes, no nays, the motion carried.

Fieldhouse Athletics, LLC

Mr. Madzy explained that originally this CRA Agreement was between the City of Berea and Petrasek Properties, LLC, however, the Agreement was amended to change the parties to the City of Berea and Fieldhouse Athletics, LLC. Further, Mr. Madzy stated that the CRA Agreement afforded Fieldhouse Athletics, LLC. until December 31, 2016 to create three new jobs and \$130,000 worth of payroll. With regard to timing, Mr. Madzy stated that the Occupancy Permit for the building was issued on June 30, 2015, so Fieldhouse Athletics had less than six months in 2015 to create new jobs or payroll.

Motion was made and seconded that recommended that Fieldhouse Athletics, LLC. is compliant with the terms of the CRA Agreement. Vote three ayes, one nay, the motion carried.

Motion was made and seconded to recommend that the City of Berea and Fieldhouse Athletics, LLC. continue the CRA Agreement. Vote all ayes, no nays, the motion carried.

Helwig Whistle Stop, LLC

Discussion about the Helwig Whistle Stop, LLC. project opened with a review of new jobs and payroll created through the project. Mr. Madzy explained that the project has exceeded both the required jobs and payroll.

Motion was made and seconded that recommended that Helwig Whistle Stop, LLC is compliant with the terms of the CRA Agreement. Vote all ayes, no nays, the motion carried.

Motion was made and seconded to recommend that the City of Berea and Helwig Whistle Stop, LLC continue the CRA Agreement. Vote all ayes, no nays, the motion carried.

First Avenue Improvement District

By opening discussion of the First Avenue Improvement District ("FAID"), Mr. Madzy explained that last year the Director of Finance for the City of Berea, created a spreadsheet containing financial data going back to 1991. This spreadsheet was then updated with the performance from 2015. Ms. Hanover then gave a more detailed explanation of the information contained in the spreadsheet.

Motion was made and seconded that the City of Berea is compliant in reporting the performance of the 725 Urban Renewal Bonds. Vote all ayes, no nays, the motion carried.

Motion was made and seconded to recommend that the City of Berea continue 725 Urban Renewal Bonds. Vote all ayes, no nays, the motion carried.

Having no further business before the Tax Incentive Review Council, there was a Motion to Adjourn and a second. Vote all ayes, no nays, the motion carried.