

VILLAGE OF BOSTON HEIGHTS

45 E. Boston Mills Road • Boston Heights, Ohio 44236
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NOTICE OF SPECIAL COUNCIL MEETING

Notice is hereby given of a SPECIAL COUNCIL MEETING to be held by the Boston Heights Village Council, Boston Heights, Ohio on Tuesday, January 28, 2014, at 6:30 PM in Council Chambers, Village Hall, at 45 E. Boston Mills Road, Boston Heights.

The purpose of the Special Meeting:

FOR CONSIDERATION OF AN ORDINANCE AUTHORIZING REAL PROPERTY TAX EXEMPTIONS WITH RESPECT TO CERTAIN REAL PROPERTY WITHIN THE VILLAGE OF BOSTON HEIGHTS COMMUNITY REINVESTMENT AREA FOR THE PURPOSE OF ENCOURAGING ECONOMIC DEVELOPMENT WITHIN THAT AREA; AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER A COMMUNITY REINVESTMENT AREA WITH HOMEWORKS, INC., DBA ARHAUS; AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER A COMMUNITY REINVESTMENT AREA COMPENSATION AGREEMENT WITH THE BOARD OF EDUCATION OF THE HUDSON CITY SCHOOL DISTRICT, AND DECLARING AN EMERGENCY

Bill Goncy

BILL GONCY, MAYOR

Betty Klingenberg

BETTY KLINGENBERG, FISCAL OFFICER

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**[COUNCIL AGENDA]
SPECIAL MEETING
VILLAGE OF BOSTON HEIGHTS
TUESDAY, JANUARY 28, 2014
6:30PM**

**CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL**

ALSO: Mayor Bill Goncy, Fiscal Officer Betty Klingenberg, Solicitor Marshal Pitchford, Engineer Dave Krock

R.Antal X- B.Bartko X - J.Miller X- G.Blakeney X- R.Fenn X- D.Polyak X

RESOLUTIONS:

<p>RESOLUTION 2014-1-6 (First Reading)</p> <p>ADOPTED: ORD 2014-1-6 as amended By 5-1 for both amendment and adoption, as follows:</p> <p>Antal - yes Bartko - no Miller - yes Blakeney - yes Fenn - yes Polyak - yes</p>	<p>AN ORDINANCE AUTHORIZING REAL PROPERTY TAX EXEMPTIONS WITH RESPECT TO CERTAIN REAL PROPERTY WITHIN THE VILLAGE OF BOSTON HEIGHTS COMMUNITY REINVESTMENT AREA FOR THE PURPOSE OF ENCOURAGING ECONOMIC DEVELOPMENT WITHIN THAT AREA; AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER A COMMUNITY REINVESTMENT AREA AGREEMENT WITH HOMEWORKS, INC. DBA ARHAUS; AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER A COMMUNITY REINVESTMENT AREA COMPENSATION AGREEMENT WITH THE BOARD OF EDUCATION OF THE HUDSON CITY SCHOOL DISTRICT; AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER A DEVELOPMENT AGREEMENT WITH PREMIER COMMERCIAL REALTY, LLC AND BOSTON HILLS PROPERTY INVESTMENT LLC AND DECLARING AN EMERGENCY.</p> <p>[MOTION TO AMEND BY SUBSTITUTING THE SIGNED AND AMENDED VERSION OF THE CRA AGREEMENT AS EXHIBIT "A"]</p> <p>ED. NOTE: Council listened to a great deal of commentary and questioning from 40+ members of the public that attended the meeting. Various council members, along with the Mayor, Solicitor, and Engineer, responded to the questions -- many of which dealt with the promise of public water service in the northwest of the Village as part of this project. A couple of residents were unconditionally opposed to the development.</p>
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ADJOURN

VILLAGE OF BOSTON HEIGHTS

ORDINANCE 2014-1-3

First Reading

AN ORDINANCE AUTHORIZING REAL PROPERTY TAX EXEMPTIONS WITH RESPECT TO CERTAIN REAL PROPERTY WITHIN THE VILLAGE OF BOSTON HEIGHTS COMMUNITY REINVESTMENT AREA FOR THE PURPOSE OF ENCOURAGING ECONOMIC DEVELOPMENT WITHIN THAT AREA; AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER A COMMUNITY REINVESTMENT AREA AGREEMENT WITH HOMEWORKS, INC. DBA ARHAUS; AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER A COMMUNITY REINVESTMENT AREA COMPENSATION AGREEMENT WITH THE BOARD OF EDUCATION OF THE HUDSON CITY SCHOOL DISTRICT; AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER A DEVELOPMENT AGREEMENT WITH PREMIER COMMERCIAL REALTY, LLC AND BOSTON HILLS PROPERTY INVESTMENT LLC AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the Village adopted Ordinance No. 10-2008 on September 10, 2008 (the "CRA Ordinance") designating the Village of Boston Heights Community Reinvestment Area (the "Community Reinvestment Area") in the Village as a "Community Reinvestment Area" pursuant Chapter 3735 of the Ohio Revised Code; and

WHEREAS, effective October 22, 2008, the Director of Development of State of Ohio (now the Director of the Ohio Development Services Agency, the "Director") determined that the aforementioned Village of Boston Heights Community Reinvestment Area designated in the CRA Ordinance 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; and

WHEREAS, Arhaus, LLC (the "Company") and Premier Commercial Realty, LLC (the "Property Owner") desire to construct or cause to be constructed on land within the Community Reinvestment Area a 770,000 square foot home office and warehouse/distribution facility (the "Project") at an estimated cost of \$35,000,000; and

WHEREAS, the Company and the Property Owner have submitted to the Village an application (the "Application") for a real property tax exemption in the Community Reinvestment Area to support the Project; and

WHEREAS, in order to facilitate the completion of the Project and for the purpose of encouraging economic development within the Community Reinvestment Area, this Council desires to grant a fifteen (15) year, eighty-five percent (85%) real property tax exemption (the "Exemption") for the Project; and

WHEREAS, in order to provide for the Exemption, this Council desires to provide for the execution and delivery of a Community Reinvestment Area Agreement with the Company and the Property Owner in the form attached hereto as Exhibit A (the "CRA Agreement") as required by Section 3735.671 of the Revised Code; and

WHEREAS, on December 27, 2013, the Village delivered to the Council of the Village of Walton Hills, Ohio and the City of Green, Ohio the notice required by Section 3735.673 of the Ohio Revised Code together with a copy of the Application and the CRA Agreement; and

WHEREAS, on December 16, 2013, the Board of Education of the Hudson City School District (the "School District") passed its Resolution #13-12-16-05 attached hereto as Exhibit B approving the Exemption and authorizing the Superintendent and Treasurer of the School District to execute and deliver a Community Reinvestment Area Compensation Agreement with the Village in the form attached hereto as Exhibit C (the "Compensation Agreement"); and

WHEREAS, in connection with the development of the Project, the Village desires to execute and deliver a Development Agreement with the Property Owner and Boston Hills Property Investment LLC in the form attached hereto as Exhibit D (the "Development Agreement").

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF BOSTON HEIGHTS, OHIO, SUMMIT COUNTY, OHIO, THAT:

- Section 1: This Council hereby approves the forms of the CRA Agreement, the Compensation Agreement and the Development Agreement and authorizes and directs the Mayor to execute and deliver on behalf of the Village the CRA Agreement, the Compensation Agreement and the Development Agreement.
- Section 2: The Village hereby grants the Exemption for real property improvements made to the Project site pursuant to Section 3735.67 of the Ohio Revised Code, which Exemption shall be in the amount of eighty-five percent (85%) for a period of fifteen (15) years, commencing in the first year in which the Project would first be taxable were that property not exempt from taxation.
- Section 3: The Mayor is hereby authorized and directed to forward an executed copy of the CRA Agreement to the Director within fifteen (15) days following the execution of the CRA Agreement as required by Section 3735.671(F) of the Ohio Revised Code.
- Section 4: The Mayor is hereby authorized to take any further action on behalf of the Village as shall be necessary to provide the Exemption for the Project.
- Section 5: 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 Section 121.22 of the Ohio Revised Code.

Section 6: This Ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public health, safety and welfare, such emergency arising from the necessity of providing incentives to the Project may proceed in the Village, thereby providing for the creation of jobs and employment opportunities and improving the economic welfare of the people of the Village; wherefore, this ordinance shall take effect and be and be in force from and after its passage.

PASSED:
BILL GONCY

ATTEST:
BETTY KLINGENBERG

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio, Ohio, do hereby certify that the foregoing **Ordinance #2014-1-3** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio, at a meeting of Council on this 28th of January, 2014.

EXHIBIT A: ORDINANCE NO: 2014-1-3

Pending receipt of final document

EXHIBIT B: ORDINANCE NO: 2014-1-3

Pending receipt of final document

EXHIBIT C: ORDINANCE NO: 2014-1-3

Pending receipt of final document