

Canal Winchester

*City Hall
Council Chambers
45 East Waterloo Street
Canal Winchester, OH 43110*



Meeting Agenda

November 20, 2023

5:30 PM

PUBLIC HEARING

City Council

Chuck Milliken - President

Bob Clark - Vice President

Laurie Amick

Jill Amos

Steve Buskirk

Patrick Shea

Mike Walker

All City Council and Committee meetings will be streamed live on the City's YouTube channel which can be accessed by clicking the link below.

City YouTube Channel – [CityofCW YouTube Page](#)

- A. Call To Order
- B. Roll Call
- C. Purpose of Public Hearing

[RES-23-040](#)

A RESOLUTION APPROVING AN AMENDMENT TO THE CONTRACT TO CREATE THE VIOLET TOWNSHIP — CITY OF CANAL WINCHESTER JOINT ECONOMIC DEVELOPMENT DISTRICT AND AUTHORIZING THE INCLUSION OF CERTAIN ADDITIONAL PROPERTY WITHIN SAID DISTRICT

- D. Staff Report
- E. Public Comments - Three Minute Limit Per Person
- F. Council Discussion and Recommendation
- G. Adjournment

RESOLUTION NO. 23-040

A RESOLUTION APPROVING AN AMENDMENT TO THE CONTRACT TO CREATE THE VIOLET TOWNSHIP — CITY OF CANAL WINCHESTER JOINT ECONOMIC DEVELOPMENT DISTRICT AND AUTHORIZING THE INCLUSION OF CERTAIN ADDITIONAL PROPERTY WITHIN SAID DISTRICT

WHEREAS, Ohio Revised Code Chapter 715 (the “JEDD Act”) empowers certain political subdivisions to form joint economic development districts for economic development purposes; and

WHEREAS, pursuant to the JEDD Act and Resolution No. 23-023, passed by City Council (the “Council”) for the City of Canal Winchester, Ohio (the “City”) on July 19, 2023, the City is party to the Violet Township – City of Canal Winchester Joint Economic Development District Contract dated July 20, 2023 (the “Contract”) by and between the City and Violet Township, Fairfield County, Ohio (the “Township”), which Contract creates and provides for the operation of a joint economic development district (the “District”) known as the “Violet Township – City of Canal Winchester Joint Economic Development District;” and

WHEREAS, pursuant to Ohio Revised Section 715.72(L), the City and the Township now desire to amend the Contract to add certain additional real property located within the Township and identified by the County Recorder of Fairfield County, Ohio, by Permanent Parcel Number 0370211700 (the “Additional Property”) to the territory of the District and, to that end, have negotiated an amendment to the Contract (the “JEDD Amendment”), a form of which is attached hereto as Exhibit A; and

WHEREAS, Turf & Tractor Land Holdings LLC (“Property Owner”), and affiliated business owner CEC Turf and Tractor LLC (“Business Owner”) desire to include the Additional Property in the District, and have submitted a petition, attached hereto as Exhibit B, seeking to include the Additional Property in the District; and

WHEREAS, pursuant to Ohio Revised Code Section 715.72, the City conducted a public hearing regarding the Amendment on November 20, 2023, with appropriate public notice, and made available for public examination all documents required by law for review.

NOW THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:

Section 1. That this Council hereby finds that all of the requirements of Section 9 of the Contract, including that appropriate zoning is in place, and Ohio Revised Code Section 715.72 have been met and hereby approves the JEDD Amendment in substantially the form attached to this resolution as Exhibit A, with such changes therein not inconsistent with this resolution and not substantially adverse to the City and which shall be approved by the officials signing the JEDD Amendment on behalf of the City. The approval of changes to the JEDD Amendment by this Council and their character as not being substantially adverse to the City shall be evidenced conclusively by the execution thereof. The Mayor and the Clerk of Council are jointly authorized and directed to execute and deliver any other agreements, documents or certificates, and take all other actions, necessary to accomplish the purposes of this Resolution; provided that the JEDD Amendment shall only be effective upon receipt by the District of written confirmation by Property Owner that no electors reside within the Additional Property.

Section 2. That, upon approval of the JEDD Amendment by the Township, this Council authorizes and directs the Township’s Fiscal Officer/Clerk to file or cause to be filed with the director of the Ohio Department of Development a copy of each of the following documents: (i) a copy of the executed JEDD Amendment, including its exhibits incorporating the Contract and showing the area of the Additional Property; (ii) certified copies of this resolution and the City’s legislation approving the JEDD Amendment; (iii) certificates from the Township and the

City that the public hearings required by the JEDD Act have been held, which certificates shall include the dates of the hearings and evidence of publication of the notice of the hearings; (iv) a copy of the petitions signed by the majority of owners of the Additional Property; and (v) a copy of the petitions signed by the majority of owners of businesses located in the Additional Property.

Section 3. That the Clerk of Council is hereby directed to retain on file a copy of the JEDD Amendment and its exhibits, including the depictions and identification of the parcel(s) constituting the Additional Property and the petitions of the business owners and property owners of the Additional Property.

Section 4. That this Council hereby finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions occurred in meetings open to the public, in compliance with law, including Ohio Revised Code Section 121.22.

Section 5. That this resolution shall take effect at this earliest date provided by law.

DATE PASSED _____

PRESIDENT OF COUNCIL

ATTEST _____
CLERK OF COUNCIL

MAYOR

APPROVED AS TO FORM:

DATE APPROVED _____

LEGAL COUNSEL

I hereby certify that the resolution as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

Clerk of Council

EXHIBIT A

JEDD AMENDMENT

EXHIBIT B

PETITION FOR JEDD EXPANSION

**VIOLET TOWNSHIP - CITY OF CANAL WINCHESTER
AMENDMENT TO VIOLET TOWNSHIP - CITY OF CANAL WINCHESTER
JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT**

(CEC Turf and Tractor LLC Expansion)

This Amendment to Violet Township – City of Canal Winchester Joint Economic Development District Contract (the “Amendment”) is executed _____, 2023 (the “Effective Date”) by and among the Township of Violet, Fairfield County, Ohio (the “Township”), a township formed and existing under the laws of the State of Ohio, through its Board of Township Trustees, and the City of Canal Winchester, Ohio (the “City”), an Ohio municipal corporation.

RECITALS:

A. Pursuant to Ohio Revised Code (“R.C.”) Chapter 715, including particularly R.C. Section 715.72 (the “JEDD Act”), the Township and the City executed the Violet Township - City of Canal Winchester Joint Economic Development District Contract (the “Original JEDD Contract”), dated July 20, 2023, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference. The Original JEDD Contract established the Violet Township - City of Canal Winchester Joint Economic Development District (referred to herein as “JEDD,” or the “District”).

B. Pursuant to the Original JEDD Contract, the Board of Directors for the JEDD (the “JEDD Board”) currently imposes a 2.0% tax on income withheld from employees working within the District and on net business profits from operations within the District.

C. Turf & Tractor Land Holdings LLC (the “Property Owner”) desires to develop a parcel of land to be operated by CEC Turf and Tractor LLC (the “Business Owner”) for commercial purposes (the “Project” or “Project Area”) at a site within the boundaries of the Township (the “Turf & Tractor Property,” which is further described on the attached Exhibit B and incorporated herein by this reference), provided that the appropriate economic development incentives are available to support the economic viability of the Project. The Turf & Tractor Property is located outside of the Original JEDD Area. The Original JEDD Area and the Turf & Tractor Property are referred to collectively here in as the “Expanded JEDD Area.”

D. The Township, the City and the Property Owner desire to facilitate the addition of the Turf & Tractor Property to the Original JEDD Area.

E. Ohio Revised Code Section 715.72(L) and Section 9 of the Original JEDD Contract authorize the amendment of the Original JEDD Contract upon certain conditions stated therein for the purposes of adding territory to the Original JEDD Area.

F. The Township and the City have complied with all procedures of the JEDD Act related to the addition of the Turf & Tractor Property to the Original JEDD Area, including the public hearing and notice requirements of R.C. Section 715.72(L)(2).

G. As required by R.C. Sections 715.72(L)(3), the Property Owner has submitted or caused to be submitted, and the Township and the City have received, the required property owner

petition, and the Business Owner has submitted or caused to be submitted, and the Township and the City have received, the required business owner petition (collectively, the “Petitions”) necessary to add the Turf & Tractor Property to the Original JEDD Area.

H. Pursuant to Resolution No. _____, passed _____, 2023, the Board of Township Trustees of the Township has approved the execution of this Amendment. Pursuant to Ordinance No. _____, passed _____, 2023, the City Council of the City has approved the execution of this Amendment.

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

Section 1. Adding the Turf & Tractor Property to the JEDD.

Pursuant to Section 9 of the Original JEDD Contract and Ohio Revised Code Section 715.72, and effective on the Effective Date hereof, the Original JEDD Contract is hereby amended to include the Turf & Tractor Property within the Expanded JEDD Area.

The Turf & Tractor Property is located entirely within the territorial boundaries of the Township. In accordance with Ohio Revised Code Section 715.72(E), no electors reside within the Turf & Tractor Property as of the date hereof.

Pursuant to the Petitions, each of the business owner and property owner have given their respective consent to the inclusion within the Expanded JEDD Area.

Section 2. Remainder Unaffected. Notwithstanding anything to the contrary in the Original JEDD Contract or this Amendment, the remaining provisions of the Original JEDD Contract not expressly amended or modified by this Amendment shall remain in full force and effect.

Section 3. Counterparts. This Amendment may be executed in any number of counterparts, all of which taken together shall constitute one and the same instrument, and any party to this Amendment may execute this Amendment by signing any such counterpart.

Section 4. Captions. Captions have been provided herein for the convenience of the reader and shall not affect the construction of this Amendment.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the Township and the City have caused this Amendment to be executed in their respective names by their duly authorized officers or representatives, as of the date hereinabove written.

TRUSTEES OF VIOLET TOWNSHIP, FAIRFIELD COUNTY, OHIO

By: _____
Trustee

By: _____
Trustee

By: _____
Trustee

CITY OF CANAL WINCHESTER, OHIO

By: _____

Its: Mayor

Approved as to form:

Law Director

EXHIBIT A
ORIGINAL JEDD CONTRACT
(attached hereto)

EXHIBIT B

DESCRIPTION OF TURF & TRACTOR PROPERTY

The real estate situated in the County of Fairfield and State of Ohio, consisting of tax parcel No. 0370211700, and shown in the map below:



PETITION

(Property Owner – Turf & Tractor Land Holdings LLC)

To: The Board of Township Trustees of Violet Township, Fairfield County, Ohio and the City Council of the City of Canal Winchester, Ohio

WHEREAS, the Township of Violet, Fairfield County, Ohio (the “Township”) and the City of Canal Winchester, Ohio (the “City”), which are contiguous communities sharing a mutual interest in promoting economic development, are parties to that certain Violet Township - City of Canal Winchester Joint Economic Development District Contract, made and entered into on July 20, 2023 (the “Agreement”), establishing and governing the Violet Township - City of Canal Winchester Joint Economic Development District (the “District”); and

WHEREAS, the following documents have been filed and are available for public inspection in the office of the Clerk of Council of the Village, in the office of the Fiscal Officer of the Township, and the office of the Fiscal Officer of the City:

- (A) A copy of an Amendment to the Agreement (the “Amendment”) to add certain territory to the proposed District, as is more particularly described in the Amendment (the “Additional Property”); and
- (B) A description of the Additional Property, including a map in sufficient detail to denote the specific boundaries of the Additional Property and to indicate any zoning restrictions applicable to the Additional Property.

NOW, THEREFORE, the undersigned petitioners (the “Petitioners”) hereby request the expansion of the Violet Township - City of Canal Winchester Joint Economic Development District and, to that end, petition and request that the Township and the City execute and deliver the Amendment at the earliest time permitted by law.

Each Petitioner represents and warrants with respect to the real property described or named next to the signature of the Petitioner (the “Property”):

- (1) the Petitioner is owner of the Property;
- (2) the Property is accurately described below;
- (3) the Property is not residential property and no electors reside on the Property; and
- (4) the Property is located within the Additional Property and within the territory of the Township.

This Petition, which may be signed in counterparts (all of which shall constitute one Petition), is signed by a majority of the owners of property located within the area to be added to the District.

PETITIONERS

PROPERTY DESCRIPTION

Name: Turf & Tractor Land Holdings LLC

Fairfield Co. Auditor ID No. 0370211700

Address: 1320 Dublin Rd. Ste 100
Columbus, OH 43215

Signature: 

Date: 10/5/23

PETITION

(Business Owner – CEC Turf and Tractor LLC)

To: The Board of Township Trustees of Violet Township, Fairfield County, Ohio and the City Council of the City of Canal Winchester, Ohio

WHEREAS, the Township of Violet, Fairfield County, Ohio (the “Township”) and the City of Canal Winchester, Ohio (the “City”), which are contiguous communities sharing a mutual interest in promoting economic development, are parties to that certain Violet Township - City of Canal Winchester Joint Economic Development District Contract, made and entered into on July 20, 2023 (the “Agreement”), establishing and governing the Violet Township - City of Canal Winchester Joint Economic Development District (the “District”); and

WHEREAS, the following documents have been filed and are available for public inspection in the office of the Clerk of Council of the Village, in the office of the Fiscal Officer of the Township, and the office of the Fiscal Officer of the City:

- (A) A copy of an Amendment to the Agreement (the “Amendment”) to add certain territory to the proposed District, as is more particularly described in the Amendment (the “Additional Property”); and
- (B) A description of the Additional Property, including a map in sufficient detail to denote the specific boundaries of the Additional Property and to indicate any zoning restrictions applicable to the Additional Property.

NOW, THEREFORE, the undersigned petitioners (the “Petitioners”) hereby request the expansion of the Violet Township - City of Canal Winchester Joint Economic Development District and, to that end, petition and request that the Township and the City execute and deliver the Amendment at the earliest time permitted by law.

Each Petitioner represents and warrants with respect to the business described or named next to the signature of the Petitioner (the “Business”):

- (1) the Petitioner is owner of the Business;
- (2) the Business is accurately described below; and
- (3) the Business is located within the Additional Property and within the territory of the Township.

This Petition, which may be signed in counterparts (all of which shall constitute one Petition), is signed by a majority of the owners of business located within the area to be added to the District.

PETITIONERS

BUSINESS NAME

Name of Signer: Joshua T. St...

CEC Turf and Tractor LLC

Title: Member

Address: 9449 Basil Western Road
Canal Winchester, OH 43110

Signature: Joshua T. St...

Date: 10/5/23