

AN ORDINANCE DESIGNATING THE AVON LAKE COMMUNITY IMPROVEMENT CORPORATION IN THE CITY OF AVON LAKE AS THE AGENCY OF THE CITY FOR THE INDUSTRIAL, COMMERCIAL, DISTRIBUTION, AND RESEARCH DEVELOPMENT AND AUTHORIZING THE MAYOR TO ENTER AN AGREEMENT WITH THE AVON LAKE COMMUNITY IMPROVEMENT CORPORATION, AND DECLARING AN EMERGENCY, AND REPEALING ORDINANCE NO. 156-2003.

WHEREAS, Section 13 of Article VIII of the Ohio Constitution provides that, to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, it is in the public interest and a proper public purpose for a municipal corporation, its agencies or instrumentalities, or corporations not for profit designated by such municipal corporation as its agency or instrumentality to perform the acts and exercises the powers therein provided; and

WHEREAS, Ohio Revised Code Section 1724.10, provides that a community improvement corporation, which under the laws of the State of Ohio is a corporation not for profit, may be designated by a municipal corporation as its agency for the industrial, economic, and commercial development in such municipal corporation and that such municipal corporation may enter an agreement with a designated community improvement corporation, which agreement include one or more of the provisions of Ohio Revised Code Section 1724.10.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That based upon the foregoing purpose and findings, there is hereby adopted a new chapter of the Codified Ordinances of the City of Avon Lake entitled “Avon Lake Community Improvement Corporation,” which is hereby enacted to read as follows:

AVON LAKE COMMUNITY IMPROVEMENT CORPORATION

DESIGNATION OF THE CORPORATION

Council hereby finds and determines that it is the policy of the City to promote the health, safety, morals, and general welfare of its citizens through the designation of a community improvement corporation as the agency and instrumentality of the City for industrial, commercial, distribution, and research development within the City. The Avon Lake Community Improvement Corporation, one organized as a corporation not for profit in the manner provided in the Ohio Revised Code Chapter 1724, is hereby designated as the City’s agency and instrumentality for industrial, commercial, distribution and research in the City.

AGREEMENT BETWEEN CITY AND CORPORATION

The Mayor is authorized by the City Council to enter into an agreement approved by the Law Director for industrial, commercial, distribution, and research development with the Avon Lake Community Improvement Corporation pursuant to the requirements of Ohio Revised Code Section 1724.10.

MEMBERSHIP OF THE CORPORATION

Not less than two-fifths of the governing board of the Avon Lake Community Improvement Corporation shall be appointed or elected officers of the City and the governing board shall consist of seven members. Four of the members shall be neither elected officials nor employees of the City, and these members will be appointed by Avon Lake City Council. One member shall be the Mayor of Avon Lake. One member shall be the Economic Development Director of Avon Lake. One member shall be a representative of Avon Lake City Council. The governing board shall meet annually in the month of January and from time to time as business requires, and action taken shall be by majority vote. Membership on the governing board of the Corporation does not constitute the holding of public office or employment within the meaning of sections 731.02 and 731.12 of the Revised Code or any other section of the revised code.

Section No. 2: That said agreement is predicated upon the Community Improvement Corporation having seven governing board members, one of whom is Avon Lake's Mayor, one of whom is Avon Lake's Economic Development Director, and one of whom is a member of the Avon Lake City Council.

Section No. 3: 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 any of its committees which 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 No. 4: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity to provide for the health, safety, and welfare of the citizens of Avon Lake by designating the Avon Lake Community Improvement Corporation as an agency for the City to help provide for the economic stability and growth of the City and the orderly development of industrial land. Therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval.

1st reading: 3/08/2021

2nd reading:

3rd reading:

PASSED: 3/22/2021

/s/ Martin E. O'Donnell

President of Council

POSTED: 3/26/2021

APPROVED: 3/23/2021

ATTEST: /s/ Valerie E. Rosmarin

Clerk of Council

/s/ Gregory J. Zilka

Mayor