

ORDINANCE NO. 9-14**AN ORDINANCE APPROVING THE SIXTH AMENDMENT TO THE CITY OF MEDINA – MONTVILLE TOWNSHIP JOINT ECONOMIC DEVELOPMENT DISTRICT AND ANNEXATION CONTRACT, AND DECLARING AN EMERGENCY.**

WHEREAS: As of December 14, 2009, the City of Medina and the Township of Montville, Medina County, Ohio (the “Contracting Parties”) entered into the City of Medina-Montville Township Joint Economic Development District and Annexation Contract (“JEDD Contract”), approved by Medina City Ordinance No. 182-09 and Resolution No. 120809.01 of the Montville Township Board of Trustees, creating the City of Medina – Montville Township Joint Economic Development District; and

WHEREAS: The JEDD Contract was entered into pursuant to Ohio Revised Code Sections 715.72 through 715.83; and

WHEREAS: The Contracting Parties now wish to amend the JEDD Contract for the following purposes:

- (a) To reinstate the “net profits” tax from the Income Tax which makes up the Distributable Revenues from the District.

WHEREAS: This Amendment is enacted pursuant to Section 14 of the JEDD Contract which states that the JEDD Contract may only be amended by the Contracting Parties through a writing approved by the legislative authorities of each of the Contracting Parties through legislation enacted within sixty (60) days of each other.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the Mayor be, and hereby is, authorized and directed to enter into the Sixth Amendment to the City of Medina – Montville Township Joint Economic Development District and Annexation Contract, a copy of which contract is attached hereto as Exhibit “A” and incorporated herein fully as if by reference.

SEC. 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted 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 compliance with the law.

SEC. 3: That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason to expedite the process to disburse funds collected; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

PASSED: January 13, 2014

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: January 14, 2014

SIGNED: Dennis Hanwell
Mayor

**SIXTH AMENDMENT TO THE
CITY OF MEDINA – MONTVILLE TOWNSHIP
JOINT ECONOMIC DEVELOPMENT DISTRICT AND ANNEXATION CONTRACT**

This Sixth Amendment to the City of Medina – Montville Township Joint Economic Development District and Annexation Contract ("Amendment"), is entered into by and between the City of Medina, Ohio and the Township of Montville, Medina County, Ohio, as of January 13, 2014.

RECITALS

WHEREAS, as of December 14, 2009, the City of Medina, Ohio and the Township of Montville, Medina County, Ohio (the "Contracting Parties") entered into the City of Medina – Montville Township Joint Economic Development District and Annexation Contract ("JEDD Contract"), approved by Medina City Ordinance No. 182-09 and Resolution No. 120809.01 of the Montville Township Board of Trustees, creating the City of Medina – Montville Township Joint Economic Development District.

WHEREAS, the JEDD Contract was entered into pursuant to Ohio Revised Code Sections 715.72 through 715.83.

WHEREAS, the First Amendment to the City of Medina-Montville Township Joint Economic Development District and Annexation Contract eliminated the "Net Profits" Tax from the income tax which makes up the distributable revenues from the District; and

WHEREAS, the Contracting Parties now wish to amend the JEDD Contract for the following purposes:

- (a) To reinstate the "net profits" tax from the Income Tax which makes up the Distributable Revenues from the District.

WHEREAS, this Amendment is enacted pursuant to Section 14 of the JEDD Contract which states that the JEDD Contract may only be amended by the Contracting Parties through a writing approved by the legislative authorities of each of the Contracting Parties through legislation enacted within sixty (60) days of each other.

WHEREAS, the legislative authorities of the City of Medina and Montville Township have each authorized and directed the City and the Township, respectively, to make and enter into the Amendment by and through their respective officers in accordance with Medina City Ordinance No. 9-14, passed on 1/13/14, and Resolution No. 611414.01, adopted by the Montville Board of Trustees on 1/14/14, 2014.

NOW, THEREFORE, in consideration of mutual promises and covenants, the Contracting Parties agree to bind themselves, their agents, employees, and successors as follows:

1. That all terms defined in the JEDD Contract shall have the same meaning in this Amendment, unless such term is otherwise defined herein.

2. That subsections 10.1 and 10.2 of Section 10 of the JEDD Contract, entitled "Income Tax", shall be deleted in their entirety and be replaced with the following subsections:

10.1. The Board at its first meeting, after the adoption of this amendment, shall adopt a resolution to continue a levy of a payroll Income Tax at a rate of 1.25% in accordance with Section 715.74 of the Revised Code and shall adopt a net profit tax, at a rate of 1.25% in the District in accordance with Section 715.74 of the Revised Code. The payroll Income Tax shall continue to be in effect immediately upon adoption of that resolution and the net profit tax shall go into effect for all businesses that file a petition to join the JEDD after the effective date of this Amendment. Collectively, both taxes shall be the "Payroll Income Tax." The rate of the Payroll Income Tax shall change from time to time so that it is equal to the highest rate of the municipal Income Tax levied by the City. The revenues of that Payroll Income Tax shall be used for the purposes of the District and the Contracting Parties pursuant to this Contract. All amounts received pursuant to the levy of said Payroll Income Tax shall be called "Distributable Revenues."

10.2. The Board shall adopt, by resolution, all of the provisions of the payroll Income Tax and Net Profit Tax legislation of the City, as that legislation may be amended from time to time, as applicable to the District Payroll Income Tax. The Payroll Income Tax levied by the Board pursuant to this Contract and Section 715.74 of the Revised Code shall apply in the entire District throughout the term of this Contract, and any renewal of the Contract notwithstanding that all or a portion of the District becomes subject to annexation, merger or incorporation.

IN WITNESS WHEREOF, the Township and the City have caused this Contract to be duly signed in their respective names by their duly authorized officers as of the date hereinbefore written.

TOWNSHIP OF MONTVILLE

By: _____
Trustee – Chairman

By: _____
Trustee – Vice Chairman

By: _____
Trustee

CITY OF MEDINA

By: Dennis Harwell
Mayor January 14, 2011
Dennis Harwell

Approved as to legal form:

By: _____
Attorney
Township of Montville

By: [Signature]
Law Director
City of Medina

IN WITNESS WHEREOF, the Township and the City have caused this Contract to be duly signed in their respective names by their duly authorized officers as of the date hereinbefore written.

TOWNSHIP OF MONTVILLE

By: Sully Alnecht
Trustee - Chairman

By: Conrad Bishop
Trustee - Vice Chairman

By: Brandon
Trustee

CITY OF MEDINA

By: _____
Mayor

Approved as to legal form:

By: Kath
Attorney Katharine Devarney
Township of Montville

By: _____
Law Director
City of Medina