

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2013-47

By Jim Maxwell Sponsored By Mayor Cyril M. Klein

AN ORDINANCE

FORMALLY ESTABLISHING AND RE-CONSTITUTING THE CITY OF BEREAL TAX INCENTIVE REVIEW COUNCIL PURSUANT TO STATE LAW, EXPRESSLY REPEALING ORDINANCES 2010-9 and 2010-46, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ohio law, R.C. Chapter 5709 requires that a Tax Incentive Review Council ("T.I.R.C.") be established to review real property tax abatement for commercial and industrial (not residential) properties in the City; and

WHEREAS, Ordinance 2009-77 was adopted by Council on December 7, 2009 and signed by the Mayor on December 8, 2009 establishing the City of Berea Tax Incentive Review Council (T.I.R.C.) and constituting the T.I.R.C. pursuant to O.R.C. 5709.85(A)(1); and

WHEREAS, Ordinance 2010-9 was adopted by Council on February 16, 2010 and signed by the Mayor on February 17, 2010 repealing Ordinance 2009-77 and again establishing the City of Berea Tax Incentive Review Council (T.I.R.C.) and constituting the T.I.R.C. pursuant to O.R.C. 5709.85(A)(1); and

WHEREAS, Ordinance 2010-46 was adopted by Council on June 21, 2010 and signed by the Mayor on June 22, 2010 supplementing Ordinance 2010-9; and

WHEREAS, said T.I.R.C. is to be constituted pursuant to O.R.C. 5709.85(A)(2) which calls for participation on the T.I.R.C. by appointees of the County Board of Commissioners and otherwise varies in its composition; and

WHEREAS, it is therefore necessary to expressly repeal Ordinance 2010-9 and Ordinance 2010-46 and enact this revised Ordinance formally constituting the T.I.R.C. pursuant to O.R.C. Section 5709.85(A)(2).

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

SECTION 1. That the City of Berea Tax Incentive Review Council ("T.I.R.C.") is hereby established and re-constituted pursuant to O.R.C. Section 5709.85 and shall consist of those persons identified in R.C. 5709.85(A)(2) and as shown on Exhibit "A" attached hereto and incorporated herein.

SECTION 2. That the Tax Incentive Review Council shall operate, be constituted (or re-constituted) and have the duties and responsibilities as called for in R.C. Section 5709.85, including annually meeting and reviewing the Agreements and performances of participants, and all other requirements according to law and as may be amended from time to time.

SECTION 3. That Ordinance 2010-9 which is attached hereto as Exhibit "B" and incorporated herein, and Ordinance 2010-46 which is attached hereto as Exhibit "C" and incorporated herein are hereby expressly repealed.

SECTION 4. 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

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City of Berea, Ohio

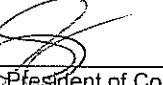
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By Maxwell Sponsored By Mayor Cyril M. Kleem

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 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason to allow for timely review of commercial and industrial tax abatement. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: May 20, 2013



President of Council

ATTEST: Allyn Yahr
Clerk of Council

APPROVED: May 21, 2013



Mayor

Approved as to Form:



Director of Law

Exhibit A'

Kenneth A. Weber

SUMMARY

"Developing and Growing Businesses to Exceed Expected Potentials"

120 Adams Street
Berea, Ohio 44017-
2109

216-299-2449, Direct
440-234-1266, Fax

fairloal@gmail.com
www.KenWeber.com



EXPERIENCE

Commercial Sales Manager, Clint Williams Realty, Inc. Berea, Ohio—2005-Present

- Selling, Marketing, Training, and Organizing Commercial Sales Department and other Agents.

Principal, K. Weber & Associates Berea, Ohio---1989-Present

- Real Estate Management and Consulting on all aspects of Residential, Multi-family, and Commercial Real Estate.
- Investing, Procuring, and Management of all assets.
- Procuring and advising investors on projects including financing of projects and new endeavors.

President, J. C. Weber & Company, Inc. Grafton, Ohio ---1979-Present

- A Mobile Food Concession Company, operating in 5 states, 65 events per year, over 26 weeks, with 14 units, presently scheduled 16 weeks with 2 units.

Owner, Edward H. Hoffmeister & Company Fairview Park, Ohio --1979-1989

- Wholesale Annuals and perennials to Garden Centers and Large Retailers.

Owner, Berea-Westlake Nurseries Berea, Ohio ---1970-1979

- A design and build Landscape Contracting Company, with installation, nursery production, and maintenance divisions.

BUSINESS AND LIFE ACCOMPLISHMENTS

- Member of Rotary Club of Berea, Past President, Board Member
- Member of Ohio Business Brokers Association
- Member of National Association of Realtors
- Member of Ohio Association of Realtors
- Member of Cleveland Area Board of Realtors
- Member of Water Rate Review Committee, City of Berea
- Member of Charter Review Committee, City of Berea
- Vice President Tax Abatement Committee, City of Berea
- Past Member and Board Member, Greater Ohio Showmen's Assoc.
- Past Member of National Independent Concessionaires Assoc.
- Past Member and Board Member, Ohio Nurseryman's Assoc.
- Past Member and President Cuyahoga County Nurseryman's Assoc.

EDUCATION

Cuyahoga Community College

Associate Degree, 1980
Business Management, Marketing, Economics

Dale Carnegie Institute

Sales Course Certificate, 1976

Ohio State University

Landscape Design Certificate, 1984

Nation Independent Concessionaires Association

CCE, Certified Concession Executive, 1999

National Association of Realtors

ePRO Designation, 2006
Education on Technology and Internet Marketing

SKILLS

- Computer and Technology Literate
- Organization
- Marketing
- Management of People and Businesses
- Multi-faceted Problem Solving
- Innovative Planner

REFERENCES

Available upon request.

PHILOSOPHY--The Four Way Test

Is it the TRUTH?

Is it FAIR to all concerned?

Will it build GOODWILL and BETTER FRIENDSHIPS?

Will it be BENEFICIAL to all concerned?

* Exhibit "A"

QUALIFICATIONS OF DANIEL SMITH

ADDRESS:

HOME ADDRESS
93 East Bridge Street
Berea, OH 44017

BUSINESS ADDRESS
Forest City Enterprises, Inc.
50 Public Square, Suite 1400
Cleveland, OH 44113

PROFESSIONAL EXPERIENCE:

Forest City Enterprises, Inc.

National \$9 billion real estate developer and manager
Real Estate Tax Manager, Cleveland, OH
2010 to Present

Ohio Savings Bank

Acquired by New York Community Bank
Chief Appraiser - Commercial and Construction Lending, Cleveland, OH
2006 to 2010

Calabrese, Racek & Markos, Inc.

Appraisal firm specializing in real estate tax matters
Certified General Real Estate Appraiser, Cleveland, OH
1994 to 2006

Homeowner's Concept - The Seller's Solution Realty

Commercial and Residential Realtors
Real Estate Agent and Appraiser, Parma, OH
1993 to 1994

MEMBERSHIP AND CERTIFICATION:

MAI - Member of the Appraisal Institute
Past president and member of Board of Directors,
Northern Ohio Chapter of the Appraisal Institute

ASA - Accredited Senior Appraiser
American Society of Appraisers

Certified General Real Estate Appraiser, Ohio, #424343

Berea Planning Commission

EDUCATION:

The Ohio State University
Bachelor of Science in Business Administration
Double Major: Finance; Real Estate & Urban Analysis

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2010-9

By Dean W. Van Dress Sponsored By Mayor Cyril M. Kleem

AN ORDINANCE

FORMALLY ESTABLISHING AND CONSTITUTING THE
CITY OF BEREAL TAX INCENTIVE REVIEW COUNCIL PURSUANT
TO STATE LAW, EXPRESSLY REPEALING ORDINANCE 2009-77,
AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ohio law, R.C. Chapter 5709 requires that a Tax Incentive Review Council ("T.I.R.C") be established to review real property tax abatement for commercial and industrial (not residential) properties in the City; and

WHEREAS, Ordinance 2009-77 was adopted by Council on December 7, 2009 and signed by the Mayor on December 8, 2009 establishing the City of Berea Tax Incentive Review Council (T.I.R.C.) and constituting the TIRC pursuant to O.R.C. 5709.85(A)(1); and

WHEREAS, said T.I.R.C. is to be constituted pursuant to O.R.C. 5709.85(A)(2) which calls for participation on the TIRC by appointees of the County Board of Commissioners and otherwise varies in its composition; and

WHEREAS, it is therefore necessary to expressly repeal Ordinance 2009-77 and enact this revised Ordinance formally constituting the T.I.R.C. pursuant to O.R.C. Section 5709.85(A)(2).

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

SECTION 1. That the City of Berea Tax Incentive Review Council ("T.I.R.C.") is hereby established and re-constituted pursuant to O.R.C. Section 5709.85 and shall consist of those persons identified in R.C. 5709.85(A)(2) and as shown on Exhibit "A" attached hereto and incorporated herein.

SECTION 2. That the Tax Incentive Review Council shall operate, be constituted (or re-constituted) and have the duties and responsibilities as called for in R.C. Section 5709.85, including annually meeting and reviewing the Agreements and performances of participants, and all other requirements according to law and as may be amended from time to time.

SECTION 3. That Ordinance 2009-77 which is attached hereto as Exhibit "B" and incorporated herein, is hereby expressly repealed.

SECTION 4. 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.

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2010-9

By Dean W. Van Dress Sponsored By Mayor Cyril M. Kleem

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SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason to allow for timely review of commercial and industrial tax abatement. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: February 16, 2010

James J. Brown
President of Council

ATTEST: Kathleen Russell Omura
Clerk of Council

APPROVED: February 17, 2010
Cyril M. Kleem
Mayor

Approved as to Form:

Dean W. Van Dress
Director of Law

Exhibit "B"

Ordinance No. 2010-9

EXHIBIT "A"

COMPOSITION OF TAX INCENTIVE REVIEW COUNCIL
(per R.C. 5709.85(A)(2))

1. Three (3) members appointed by the Board of County Commissioners
2. Two (2) members residents of the City of Berea and appointed by the Mayor with concurrence of a majority of City Council.
3. County Auditor or his/her designee
4. School Board of Education Appointee (Berea)
5. School Board of Education Appointee (Olmsted Falls)
6. School Board of Education Appointee (Polaris)

NOTE: At least two (2) of above members must be residents of the City of Berea. (R.C. 5709.85(A)(2))

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2009-77

By Dean W. Van Dress Sponsored By Mayor Cyril M. Kleem

AN ORDINANCE

FORMALLY ESTABLISHING AND CONSTITUTING THE CITY OF BEREA TAX INCENTIVE REVIEW COUNCIL PURSUANT TO STATE LAW, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ohio law, R.C. Chapter 5709 requires that a Tax Incentive Review Council ("T.I.R.C.") be established to review real property tax abatement for commercial and industrial (not residential) properties in the City.

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

SECTION 1. That the City of Berea Tax Incentive Review Council ("T.I.R.C.") is hereby established and re-constituted pursuant to Ohio R.C. Section 5709.85 and shall consist of those persons identified in R.C. 5709.85(A)(1) and as shown on Exhibit "A" attached hereto and incorporated herein.

SECTION 2. That the Tax Incentive Review Council shall operate, be constituted (or re-constituted) and have the duties and responsibilities as called for in R.C. Section 5709.85, including annually meeting and reviewing the Agreements and performances of participants, and all other requirements according to law and as may be amended from time to time.

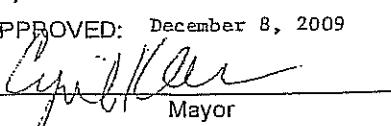
SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason to allow for timely review of commercial and industrial tax abatement. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: December 7, 2009


President of Council

ATTEST: 
Kathleen Russell Obreza
Clerk of Council

APPROVED: December 8, 2009

Cyril M. Kleem
Mayor

Approved as to Form:

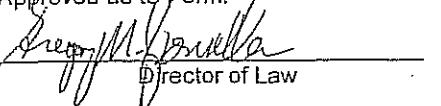

Greg M. Van Dress
Director of Law

Exhibit "B"

Ordinance No. 2010-9
Exhibit "B"
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ORDINANCE NO. 2009-77
EXHIBIT "A"

COMPOSITION OF TAX INCENTIVE REVIEW COUNCIL
(per R.C. 5709.85)

1. Mayor or his designee
2. City Council member (appointed by Council President)
3. County Auditor or his designee
4. Finance Director or his designee
5. School Board of Education Appointee (Berea)
6. School Board of Education Appointee (Olmsted Falls)
7. School Board of Education Appointee (Polaris)
8. Two additional appointees by Mayor with Council concurrence.
(At least one must be a "minority as defined in 5709.85(A)(1))

NOTE: At least 4 of above members must be residents of the
City of Berea

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE

No. 2010-46

By Dale A. Lange Sponsored By Mayor Cyril M. Kleem

AN ORDINANCE

**SUPPLEMENTING ORDINANCE 2009-77 BY ESTABLISHING
AND CONFIRMING THE TERM OF OFFICE OF APPOINTEES TO THE
CITY'S TAX INCENTIVE REVIEW COUNCIL (T.I.R.C.),
AND DECLARING AN EMERGENCY.**

WHEREAS, Council previously adopted Ordinance 2009-77 which formally re-established and constituted the City of Berea's T.I.R.C.; and

WHEREAS, clarification of the terms of office of the persons appointed to the City's T.I.R.C. which are subject to confirmation by the Cuyahoga County Board of Commissioners, has been requested by the Board of Commissioners.

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

SECTION 1. That Ordinance 2009-77 is hereby supplemented in that the Term of Office of Appointees to the City's T.I.R.C. is hereby established and confirmed as three (3) year terms of office commencing from the date of appointment, and that any and all prior action of the Tax Incentive Review Council heretofore taken and approved by the Tax Incentive Review Council and by this Council are hereby ratified and affirmed.

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 is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that it is immediately necessary to provide this Ordinance to the Cuyahoga County Board of Commissioners. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: June 21, 2010

James J. Brown
President of Council

ATTEST: Kathleen Russell Obada
Clerk of Council

APPROVED: June 22, 2010

Cyril Kleem
Mayor

Approved as to Form:

Dale A. Lange
Director of Law