

ORDINANCE NO. 009 -2025
TABLED UNTIL 02-18-2025
TABLED until 03-18-2025
TABLED UNTIL 04-15-2025
AMENDED 04-15-2025

ORGANIZING THE FAIRWAY CLIFFS COMMUNITY AUTHORITY, ESTABLISHING THE BOUNDARIES OF THE AUTHORITY, ESTABLISHING THE METHOD FOR SELECTING THE BOARD OF TRUSTEES OF THE AUTHORITY, APPOINTING MEMBERS OF THE BOARD OF TRUSTEES OF THE AUTHORITY, AND FIXING THE SURETY BOND AMOUNT FOR THE MEMBERS OF THE BOARD OF TRUSTEES; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Whitehall, Ohio (the "City") and Fairway Cliffs LLC, an Ohio limited liability company ("Fairway" or "Developer") has filed a petition (the "Petition") on January 7, 2025, with the Clerk of Council for the creation of the Fairway Cliffs Community Authority (the "Authority") pursuant to RC §349.03 in order to facilitate the redevelopment of certain parcels located on Fairway Boulevard; and

WHEREAS, this Council is the "organizational board of commissioners", as that term is defined in RC §349.01(F), and the City of Whitehall is the only "proximate city", as that term is defined in RC §349.01(M), for the Authority; and

WHEREAS, this Council enacted Ordinance No. 008-2025 on February 4, 2025, in which this Council determined that the Petition is sufficient and complies with the requirements of RC §349.03(A) as to form and substance; and

WHEREAS, pursuant to RC §349.03, this Council held a public hearing on the Petition on February 18, 2025, after notice of the hearing was duly published in accordance with RC §349.03; NOW THEREFORE,

BE IT ORDAINED by the Council of the City of Whitehall, Ohio:

SECTION 1. That based on its examination of the Petition, any testimony provided at the public hearing on the Petition, and such other investigation and information as it deems relevant, this Council finds and determines that the proposed Fairway Cliffs Community Authority and its "new community district", as that term is defined in RC §349.01(C), will be conducive to the public health, safety, convenience and welfare, and is intended to result in the development of a "new community" as defined in RC §349.01(A). This Council hereby ratifies the conduct of the public hearing and the notices therefor.

SECTION 2. That the Fairway Cliffs Community Authority is hereby declared to be organized and a body politic and corporate, and that the corporate name of the Authority shall be the "Fairway Cliffs Community Authority".

SECTION 3. That the Authority's new community district is defined to have the boundary set forth in the Petition.

SECTION 4. That the Board of Trustees of the Authority shall be composed of seven members, with three citizen members appointed by this Council, three developer representatives appointed by the Developer, and one local government representative appointed by this Council. This Council hereby adopts an alternative form of selecting successor members pursuant to RC §349.04 and declares that replacement trustees shall be appointed from time to time by this Council and Developer in the same manner as the initial appointments. No elections shall be held for successor trustees.

SECTION 5. That pursuant to RC §349.04, there shall be posted for each member of the Board of Trustees of the Authority a bond in the amount of \$10,000 for the faithful performance of his or her duties. The bond shall be with a company authorized to conduct business within the State of Ohio as a surety.

SECTION 6. That this Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this ordinance were taken in an open meeting of this Council or

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any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including RC §121.22.

SECTION 7. ~~This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, or welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order to develop the Community Facilities and the property, all in order to create jobs and employment opportunities and improve the economic welfare of the people, of the City and the State of Ohio; wherefore, this Ordinance shall be in full force and effect immediately upon its passage. That this Ordinance shall go into full force and effect at the earliest period allowed by law.~~

PASSED this 15 day of April, 2025.

ATTEST:

Julie A. Oask
Clerk of Council

[Signature]
President of Council

APPROVED this 15 day of April, 2025.

[Signature]
Mayor

"I hereby certify the foregoing to be a true and exact
copy of Ord 009-2025 as passed by the
Council of the City of Whitehall, Ohio at its meeting
held April 15, 2025
Approved by the Mayor on 04-15-2025
[Signature]
Clerk of Council of the City of Whitehall, Ohio