

**CITY OF TWINSBURG, OHIO**

**RESOLUTION 40-2010**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WINDSTREAM COMMUNICATIONS, INC., TO PROVIDE TAX INCENTIVES UNDER THE TERMS AND CONDITIONS OF THE TWINSBURG OCCUPANCY PROGRAM, AND DECLARING AN EMERGENCY

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**WHEREAS**, the City of Twinsburg, by Ordinance 144-2004, has established the Twinsburg Occupancy Program to offer tax incentives to employers who create new jobs in the City of Twinsburg; and

**WHEREAS**, Windstream Communications, Inc, has made application to the City of Twinsburg for certain tax incentives in the form of monetary grants as authorized under the terms and conditions of the Twinsburg Occupancy Program; and

**WHEREAS**, the Director of Planning and Community Development has reviewed the application, investigated the circumstances as set forth therein and determined that Windstream Communications, Inc, meets the criteria for eligibility for such tax incentives.

**WHEREAS**, Council has determined that, in reliance upon the representations made in the application as provided by Windstream Communications, Inc, as to the creation of new jobs within the City it is in the best interests of residents of the City to offer appropriate tax incentives to Windstream Communications, Inc.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Twinsburg, County of Summit and State of Ohio:

**SECTION I:** That the Mayor be, and she is hereby authorized to make and enter into an Agreement with Windstream Communications, Inc, for the vacant space at 1925 Enterprise Parkway substantially in the form attached hereto as Exhibit "A" and incorporated by reference herein, to provide certain tax incentives in the form of monetary grants not from tax revenues, at the percentage and for the term as stipulated in said Agreement.

**SECTION II:** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting or meetings of this Council and any of its committees that resulted in such formal action, were in meetings open to the public and in full compliance with all legal requirements, including without limitation, those set forth in section 121.22 of the Ohio Revised Code.

**SECTION III:** That this Resolution is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety, welfare and convenience of the citizens of the City of Twinsburg, and for the additional reason to enable the City to create and maintain jobs by allowing the company to finalize the lease agreement. Provided it receives the affirmative vote of five or more members of Council, it shall take effect and be in force immediately upon its passage and approval of the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Sam Scaffide, President of Council

Submitted to the Mayor for approval this  
\_\_\_\_\_ day of \_\_\_\_\_, 2010  
Approved by the Mayor \_\_\_\_\_, 2010

\_\_\_\_\_  
Katherine A. Procop, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Spraggins  
Clerk of Council

1<sup>st</sup> Rdg. \_\_\_\_\_  
2<sup>nd</sup> Rdg. \_\_\_\_\_  
3<sup>rd</sup> Rdg. \_\_\_\_\_

Passed: \_\_\_\_\_

Yes \_\_\_\_\_ No \_\_\_\_\_

**CERTIFICATE OF POSTING**

I, Lisa Spraggins, Clerk of Council, of the City of Twinsburg, State of Ohio, do hereby certify that publication of the foregoing ordinances, resolutions was duly made by posting true copies thereof at five of the most public places in said City as determined by

Section 113.02 of the Codified Ordinances of the City of Twinsburg; each for a period of fifteen days commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2010

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Lisa Spraggins  
Clerk of Council  
City of Twinsburg

Proposed