

ORDINANCE 2007-40

AN ORDINANCE AMENDING THE CONTRACT WITH PORTAGE COUNTY REGIONAL PLANNING COMMISSION AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the Village of Hiram adopted Ordinance 2007-13 authorizing the Mayor and the Fiscal Officer to enter into a contract with Portage County Regional Planning Commission; and

WHEREAS, the Planning and Zoning Commission used 17.5 hours of the ninety pledged hours of the contract.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Hiram , three-quarters or more of the members thereto concurring that:

SECTION 1: In the Compensation section of the original contract the village's ninety technical hours for 2006, 2007, & 2008 were valued at \$7,000. The Portage County Regional Planning Commission values the 17.5 hours used by the Planning and Zoning Commission at \$1,094.63. The contract amendment attached as Exhibit "A" changes the number of hours pledged and the matching cash portion to compensate for used hours. The total compensation of the Portage County Regional Planning Commission remains at \$39,500. The difference is 72.5 pledged hours of technical service (2006, 2007 & 2008) from the Village of Hiram and \$1,094.63 in cash contribution. The total cash contribution from all parties to PCRPC will be \$33,594.68 as well as the value of the village's 72.5 technical hours, \$5,905.37 for a total value of \$39,500.

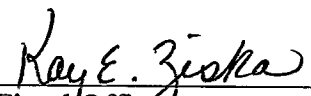
SECTION 2: That this Ordinance be declared an emergency measure becoming effective immediately upon its passage by Council and approval by the Mayor because the grant these funds are intended to be used for is already in full operation and measurable activity has taken place.

SECTION 3: It is hereby 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 the Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Revised Code of the State of Ohio.

PASSED IN COUNCIL on December 11, 2007 as an emergency.


Mayor Robert L. Summers

ATTEST:


Fiscal Officer

I, Kay E. Ziska, Fiscal Officer of the Village of Hiram, Ohio, hereby certify that the foregoing Resolution or Ordinance No. 2007-40 has been duly posted in the required 5 places.

12-19-07 
Date Fiscal Officer, Village of Hiram

**AMENDMENT 1 TO AGREEMENT
BY AND BETWEEN THE PORTAGE COUNTY REGIONAL PLANNING
COMMISSION AND HIRAM VILLAGE FOR PLANNING SERVICES**

As per Amendment Section of the Agreement by and between the Portage County Regional Planning Commission and Hiram Village Council for the preparation of a Transfer of Development Rights Feasibility Study, all parties agree to amend the compensation as specified below:

1. Hiram Village reduced the number of technical assistance hours available for this project: 90 technical assistance hours were allocated in the grant and contract however, only 72.5 hours are now available as the Village utilized 17.5 technical assistance hours for zoning amendment review, thus leaving a shortage of 17.5 hours for work related to this contract at a value of \$1,094.63.
2. This necessitates a change in compensation to the Portage County Regional Planning Commission by an additional \$1,094.63 to compensate for the shortage of Village Technical Assistance hours available for the project that are necessary to complete this project.

Hiram Village and the Portage County Regional Planning Commission hereby approve and execute this Amendment to the original agreement.

Portage County Regional Planning Commission



Jack Groselle, Chairman 11/14/07 Date

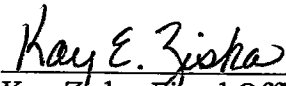


Lynne J. Erickson, AICP, Director 11/14/07 Date

Hiram Village



Robert L. Summers, Mayor 12-15-07 Date



Kay Ziska, Fiscal Officer 12-18-07 Date

Approved as to form



Tom Reitz, Hiram Village Solicitor 12/20/07 Date

**AGREEMENT
BY AND BETWEEN THE PORTAGE COUNTY REGIONAL
PLANNING COMMISSION AND HIRAM VILLAGE
FOR PLANNING SERVICES**

This agreement is made and entered into by and between the Portage County Regional Planning Commission, 124 North Prospect Street, Ravenna, Ohio 44266, hereafter referred to as the RPC; and Hiram Village, hereafter referred to as the Village, 11617 Garfield Rd., P.O. Box 65, Hiram, OH 44234.

WITNESSETH

WHEREAS, the Village determined to support in spirit a Comprehensive Plan, culminating from a collaborative planning process with Hiram Township and Hiram College, to help guide future land use, conservation and public investment decisions; and

WHEREAS, several primary goals of the plan are preservation of a majority of the agricultural land base in the Township for future generations and to encourage sustainable economic growth of the Village; and

WHEREAS, several strategies to implement the above goals included exploring use of a Transfer of Development Rights Program between the Township and Village; and

WHEREAS, the Village submitted and was awarded a grant from The Ohio State University, Center for Farmland Policy Innovation to prepare a Transfer of Development Rights feasibility study, which will serve as a model for other communities throughout Ohio; and

WHEREAS, the Village approved the grant agreements from Center for Farmland Policy Innovation; and

WHEREAS, the grant specified that the RPC provide planning services and the RPC Director is to serve as Project Leader, and the RPC has passed a Resolution to allow the RPC to enter into this Agreement (#07-07); now

THEREFORE, the RPC and the Village do hereby agree to the following:

SCOPE OF SERVICES

1. The RPC shall provide planning services, project management, support services and serve as Project Leader as described in Attachment A, attached hereto and included by reference.
2. The RPC shall complete all work as specified in Attachment A according to the grant application and grant agreement.

3. The RPC shall consult and meet with the Village as needed throughout the TDR Feasibility Study process.

COMPENSATION

The RPC shall submit invoices monthly to the Village Fiscal Officer as work progresses, documenting work completed in relation to the work plan, timeline and budget of the grant agreement. The total amount due under this Agreement shall not exceed \$32,500 in cash, provided the Village utilizes a total of 90 Technical Assistance Hours for this project (from calendar years 2006, 2007, 2008) as provided for under the RPC by-laws and as it was specified in the grant application. The total cost for RPC services including the value of 90 TA hours is \$39,500. (90 TA hours were valued at \$7,000 in the grant application).

It is the Village's responsibility to invoice the OSU Center for Farmland Policy Innovation, The Board of Hiram Township Trustees, The Citizens For Hiram, and Hiram College for the cash contributions to this project to insure that funds will be available to carry out the project tasks and to establish a separate fund for revenue and expenditures for this grant project.

TERMS AND CONDITIONS

Amendments

The Village or the RPC may modify the scope of services and respective compensation for such changes by mutual consent. If there is an increase in the scope of service to be provided requested during the time period of this project, the Village shall first have the authorization of Council that the necessary additional funds are available and will be appropriated .

Termination

1. If the RPC fails to fulfill the obligations under this Agreement, the Village may terminate the Agreement by giving notice to the RPC and OSU Center for Farmland Policy Innovation of such termination, specifying cause and the effective date of such termination. A minimum of 30 days notice shall be required to be given.
2. The RPC may terminate this Agreement with the Village by giving 30 days written notice and cause for such termination and such notice also provided to The OSU Center for Farmland Policy Innovation.

In either case of termination, the RPC shall be compensated for services performed through the end of the termination period, but in no case shall exceed \$32,500 unless this Agreement has been amended by mutual consent as specified in the above Amendment Clause.

Publications, Reproductions, and Use of Materials

No material produced in whole or in part under this Agreement, shall be subject to copyright. The Village Council and the RPC shall have unrestricted authority to publish, disclose, distribute, and otherwise use in whole or in part, any reports, data, or other materials prepared under this agreement.

Compliance With Equal Opportunity

The RPC agrees that if it hires additional personnel for the performance of the work under this Agreement, the RPC and any subcontractors shall not, by reason of race, color, religion, sex, age, handicap, national origin or ancestry, discriminate against any person in the employment of a person qualified and available to perform the work to which this Agreement relates, and that the RPC and any person acting on behalf of the RPC shall not in any manner, discriminate against, intimidate, or retaliate against any employees hired for the performance of work under this Agreement on account of race, color, religion, sex, age, handicap, national origin or ancestry.

Sole Obligation of the Village

Any obligation for cash payment under this Agreement shall be made solely from the funds provided to Hiram Village for the purpose of this planning project. Other than the Village obligation to invoice and pay to the Portage County Regional Planning Commission funds received by Hiram Village from the OSU Center for Farmland Policy Innovation, the Board of Hiram Township Trustees, the Citizens for Hiram and Hiram College, the sole contribution obligation of Hiram Village under this Agreement is that of the 90 Technical Assistance hours as set forth in the Grant Agreement with Ohio State University. The RPC recognizes that the Agreement is with the Hiram Village Council in their official capacity and is not the obligation of any official or employee, or any other political subdivision, official or entity.

Severability

In the event that any term or clause of this Agreement is held to be invalid as contravening any law or governmental regulation or otherwise, then such term or clause shall remain in effect only to the extent permitted by such law or governmental regulation, but the remaining provisions of this Agreement shall continue in full force and effect.

Assignability

The RPC shall not assign or transfer by assignment any of its rights, obligations, benefits, liabilities, or other interests under this Agreement without the prior written consent of the Village.

The Portage County Regional Planning Commission and Hiram Village do hereby execute this agreement, which shall be effective February 14, 2007, the date of the RPC Authorization to enter into this agreement. (The effective date of the Grant Agreement with OSU was February 12th, 2007.)

Portage County Regional Planning Commission

Jack Groselle 4/11/07
Jack Groselle, Chairman Date

Evelyn Beerman
Witness

Lynne J. Erickson 4/11/07
Lynne J. Erickson, AICP Director Date

Evelyn Beerman
Witness

Hiram Village

Robert L. Summers 4-18-07
Robert L. Summers, Mayor Date

Rosemary Yukich
Witness

Approved As To Form

Tom Reitz 5/18/07
Tom Reitz, Hiram Village Solicitor Date

Certification of Village Fiscal Officer

I hereby certify that the amount of \$32,500.00 required to meet the forgoing Agreement has been lawfully appropriated, or authorized or directed for such purposes, and is in the Village Bank Account, or in the process of collection, free from any outstanding obligation.

Kay Ziska 4-19-07
Kay Ziska, Village Fiscal Officer Date

Attachment A

Work Plan, Timeline and Budget

Project Title: *Partnering to Preserve Farmland in Hiram Township With Transfer of Development Rights*

Project Applicant: Hiram Village, Ohio

Project Leader:

Lynne J. Erickson, AICP, Director-Applicant's planning agency director
Portage County Regional Planning Commission

Street: 124 N. Prospect St.

City, State, Zip: Ravenna, OH 44266

Telephone: 330-297-3613

Fax: 330-297-3617

E-mail address: lerickson@pcrpc.org

Project cost: \$90,200

Contributed by the Center for Farmland Policy Innovation: \$58,900

Contributed by other project partners: \$31,300

Workplan

Project Area #1:

Organizing for Transfer of Development Rights (TDR) Program Support and Project Success

Objective:

To create a group that will guide and inform the goals of the project, provide advice to the Village and collaborators at key decision points, and help educate and inform the public throughout the course of the project and after project completion.

Activities:

1. The Village and collaborators will establish a Citizens Advisory Committee (CAC) at the beginning of the project to guide and inform the process, provide advice to the Village and collaborators at key decision points, and help educate and inform the public throughout the course of the project and after project completion.
 - a. This group will include representatives of Hiram Village, Hiram Township, Hiram College, Citizens for Hiram, Hiram Comprehensive Planning Group, farmers, landowners in the Village, developers, realtors, businesses, conservation groups and others interested in participating or who could provide expertise.
 - b. The project leader, Portage County Regional Planning Commission (RPC) Director, will work closely with the Village and CAC throughout the project.
 - c. RPC staff will provide planning services, project management and support services for the project

Deliverables:

1. Successful formation of the CAC.

Project Area #2:

Refinement of Sending and Receiving Area Boundaries and Capacity Assessment

Objective:

Define the boundaries of sending and receiving areas, calculate the potential density that could be transferred, and confirm the capacity of the Village to accommodate the maximum potential density that could be transferred.

Activities:

1. The RPC will complete the project area objective with assistance and input from the CAC and public officials.
 - a. Other items to be determined preliminarily will be types of uses to be allowed in sending area once development rights are transferred, density bonus(es) for receiving area with transferred development rights, and other incentives that could be used to stimulate a market for purchase of Transferable Development Rights.

Deliverables:

1. Document(s) detailing boundaries, densities, and Village capacity.

Project Area #3

Feasibility Study/Market Analysis

Objective:

To determine the economic feasibility of implementing a TDR program between Hiram Township and Hiram Village.

Activities:

1. Enlisting a TDR consultant to conduct a study to determine the economic feasibility of implementing a TDR program between Hiram Township and Village.
 - a. This consultant will evaluate factors such as potential market demand, estimate the value of sending area development rights and marketable value for each TDR credit for receiving areas, what someone would be willing to pay for each additional unit of density, evaluate alternative scenarios and develop the best transfer ratio.
 - b. Alternative scenarios include varying the size or location of sending and receiving areas and analyzing results to develop the optimum size, location of sending areas and transfer ratios that might enhance the economic outcome for the seller in sending area and purchaser in the receiving area.
2. The TDR consultant will utilize a local appraiser to confirm estimates of values and will prepare a report on findings and recommendations for the Village and Collaborators.
3. The RPC will provide local information, data and contacts to the TDR consultant, and share findings of the study with the CAC and the public.
4. If the feasibility study determines that utilizing a TDR program is not economically feasible, then the CAC, with assistance from the RPC and OSU CFFPI, will develop an alternative, innovative farmland preservation policy to evaluate for implementation, which could meet the intent of the original project goals. The CAC will recommend this alternative to the Village and Collaborators.

Deliverables:

1. Economic feasibility analysis report authored by TDR consultant.
2. Communication between the RPC, and the public, sharing the results of the economic feasibility analysis report (*meetings, website, and publications*)
3. In the case that the study determines the TDR project to be unsuitable, an alternative policy will be developed and evaluated.

Project Area #4:

Development of Implementing Policies, Legislation and Procedures

Objective:

To develop the political framework necessary to ensure the success of the TDR program.

Activities:

1. TDR consultant will draft the necessary TDR legislation, procedures for transfers, and will provide recommendations for program management, such as how transfers will be tracked, and agricultural easements monitored.
2. The RPC will review other policies and regulations requiring changes to ensure the success of the TDR program.
3. An Agricultural Zoning District will be developed for the Township Sending Areas with appropriate development restrictions to be used once development rights are determined and development credits issued to sending area landowners that can be marketed.
4. High Density Residential District and Town Center Mixed Use District will be developed for the Village Receiving Areas.

Deliverables:

1. TDR legislation.
2. Policy audit by the RPC and the successful modification of other policies and regulations requiring changes to ensure the success of the TDR program.
3. A new Agricultural Zoning District.
4. A new High Density Residential District and Town Center Mixed Use District.

Project Area #5:

Education and Public Outreach

Objective:

To build community support for the TDR program and to educate the public about: the preservation of the agricultural land base, best practices for sustainable development, and the purpose, benefits and mechanics of Transfer of Development Rights program.

Activities:

1. The creation of 2 educational forums, developed by RPC with the assistance from the CAC, OSU, and others.
 - a. Target audience for both forums includes: public officials, general public, farmers, landowners, developers, builders, HBA, realtors, and conservation organizations.
 - b. Hiram College will host the Forums.
 - c. The subject of the two forums:
 - i. The first forum will cover: a summary of the Hiram 2020 Comprehensive Plan to re-acquaint the communities with key issues, goals, policies and strategies, particularly those related to methods to preserve farmland and increase sustainable development of the Village; a summary of the purposes of this project; and an introduction to the general concepts of Transfer of Development Rights.
 - ii. The second forum will be held upon completion of the Feasibility Study/Market Analysis, and the TDR consultant will present results of the study.
2. A website will be hosted by the Village that will provide: access to the Comprehensive Plan, details of this project, updates as project progresses, links to other sites about Transfer of Development Rights and methods to preserve farmland and encourage sustainable development.
 - a. This will be maintained after project completion by the Village, with assistance from Hiram College who will cost share a Student Intern to assist the Village.
3. Internship opportunities will be available for a Hiram College and OSU student(s) to do individual guided research related to the project or work with the RPC in the execution of this project.

Deliverables:

1. Successful creation of 2 educational forums.
2. Educational materials that will accompany the forums.
3. Successful development of the aforementioned website
4. Research or work done by Hiram College or OSU intern(s).

Budget

Budget Category	Funds Requested from FPPP	Partner Contributions	Total	Justification
Salaries	\$ 800		\$ 800	Village Fiscal Officer-fiscal and contracts mgmt, admin.
	\$ 2,200		\$ 2,200	Village Solicitor-TDR and Zoning Legislation Reviews and Legal Opinions
Benefits	\$ 500		\$ 500	OPERS: 13.7% 2006, 13.85% 2007, 14% 2008, Medicare Tax 1.45%, Health Care for Fiscal Officer Only-\$200/month prorated.
Contractual Services	\$30,000		\$30,000	TDR Consultant Contract
	\$ 5,000		\$ 5,000	Appraiser
	\$14,900	\$24,600	\$39,500 ¹	Portage County Regional Planning Commission will serve as Planning Consultant, provide project leader, project management, support services
	\$ 5,000		\$ 5,000	Web Site Design Consultant
		\$ 4,800	\$ 4,800	Hiram College Intern-3 semesters of project
Equipment				
Supplies and Materials				
Travel	\$500		\$ 500	Guest Speaker Travel costs from successful TDR community
Printing				
Other		\$ 1,900	\$ 1,900	Educational Forums: meeting facilities, food, catering serv.
Grand Total	\$58,900	\$31,300	\$90,200	

¹ PCRPC contract costs includes: staff costs, printing, supplies, postage, travel-milage, cd production.

Direct and In-kind Contributions.

Organization name:	Dollar value of contribution	Indicate nature of contribution (e.g, cash or specific goods and services)
Hiram Village	\$7,000	Services ²
Hiram Township Board of Trustees	\$6,000	Cash
Hiram College	\$10,000	Cash
	\$1,925	Services-Donation of meeting facilities, food, supplies and services
	\$4,800	Services-value of intern services for 3 semesters
Citizens for Hiram	\$1,575	Cash
Total Contribution	\$31,300	

² Members of the Portage County Regional Planning Commission are allocated Planning Technical Assistance Hours as one benefit. Hiram Village is donating the value of the majority of their Planning Tech. Asst. Hours for 2006-2008 and directing them to be used for this project.

**PORTAGE COUNTY REGIONAL PLANNING COMMISSION
RESOLUTION**

RE: ENTERING INTO AGREEMENT WITH HIRAM VILLAGE FOR PROJECT MANAGEMENT AND PLANNING SERVICES FOR THE GRANT "PARTNERING TO PRESERVE FARMLAND IN HIRAM TOWNSHIP WITH TRANSFER OF DEVELOPMENT RIGHTS"

It was moved by Gale Diehl and seconded by Tom Smith that the following Resolution be adopted:

WHEREAS: Hiram Village applied to The Ohio State University, Center for Farmland Policy Innovation for a grant to provide funds to conduct a Transfer of Development Rights Feasibility Study and OSU CFFPI funded this project application; and

WHEREAS: The Portage County Regional Planning Commission wrote the grant application and agreed to provide project leadership, management and specific planning services to insure project success; now therefore be it

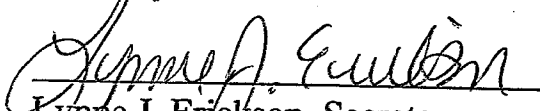
RESOLVED: That the Portage County Regional Planning Commission does hereby authorize entering into an agreement with Hiram Village to provide project leadership, management and planning services as specified in the grant agreement between Hiram Village and The OSU Center for Farmland Policy Innovation, and be it further


RESOLVED: The Portage County Regional Planning Commission agrees to provide said services at a cost of \$39,500 which includes the value of Hiram Village Technical Assistance Hours for 2006, 2007 and 2008 which have been committed to this project, valued at \$7,000.

Upon call for the vote by the Chairman, the vote was as follows:

YEAS 5 NAYS 0 ABSTENTIONS 0

I certify that the foregoing is a true copy of a resolution passed and action taken on February 14, 2007.


Lynne J. Erickson, Secretary


Jack Groselle, Chairman