

ORDINANCE NO. _____

CREATING A GREEN ENTERPRISE ZONE, AS AMENDED

WHEREAS, the City of Wilmington, Ohio seeks to promote research and development, advanced manufacturing, and energy efficient construction, as well as services that have a direct positive impact on increasing energy and material efficiency as well as the economic sustainability of the city by (1) promoting the retrofitting of businesses to promote sustainability and energy efficiency; (2) attracting green-collar jobs in research and sustainable renewable energy production and services (3) assisting citizens, businesses, secondary schools, universities, and community organizations in green training for the purpose of economic development and professional growth for the City and its citizens; and

WHEREAS, the City of Wilmington, Ohio seeks to declare the City a “Green Enterprise Zone” (GEZ) with the following benefits and incentives available to enterprises for the purpose of establishing, expanding, retrofitting, or occupying facilities and hiring new employees and firms along with other necessary measures for the purpose of preserving and expanding job opportunities related to advanced and green technology within the City municipal limits- the Green Enterprise Zone (GEZ).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILMINGTON, THAT:

Section 1. Establishment of a Green Enterprise Zone (“GEZ”) in the City of Wilmington. The City Council hereby establishes a Green Enterprise Zone comprising all of the property within the municipal boundaries of the City of Wilmington. The GEZ will expand if and when the City annexes property and shall be coterminous with the new City boundary post-annexation.

Section 2. Establishment of a Green Enterprise Zone Development Council (“GEZDC”).

(a)(1) Members. The City hereby establishes a Green Enterprise Zone Development Council to consist of: two (2) appointees of the Mayor of the City of Wilmington; one (1) appointee by the President of City Council; one (1) appointee of the Clinton County Green Alliance as appointed by the Alliance; one (1) appointee of the Downtown Wilmington Community Improvement Corporation (“DWCIC”) as appointed by the DWCIC; one (1) appointee of the Wilmington Community Improvement Corporation (“CIC”) as appointed by the CIC; and the Executive Director of the Clinton County Regional Planning Commission (“CCRPC”).

(2) Terms. Terms on the GEZDC will be for two years starting at the end of these terms, with membership staggered as follows: Term to 6.30.11 – Mayor’s appointees, Green Alliance and DWCIC appointees. Term to 6.30.12 – President of Council’s appointee, the CIC appointee and the Executive Director of CCRPC.

(3) Vacancies. Vacancies shall be filled and the person so filling a position shall serve until the end of his/her predecessor’s term. If the Green Alliance, the DWCIC or the CIC has a vacancy that is not filled within 45 days of the vacancy, the Mayor shall appoint a person to fill that position for the remainder of that term.

(b) Time of Formation. The GEZDC shall be formed and convened as soon as practicable after passage of this ordinance.

(c)(1) Clerk; records. The GEZDC shall appoint a Clerk to take the official minutes of the GEZDC, post public notices of regular and special meetings, handle the correspondence and other public records of the GEZDC. The GEZDC shall provide an annual stipend to the Clerk for the performance of his or her duties, shall provide clerical supplies to the Clerk and storage space for the GEZDC public records. The GEZDC shall provide a stipend to the Clerk following City standards of pay. The City Council hereby approves funding for the Clerk's stipend and supplies for the first year of operation of the GEZDC.

(2) Official meeting place; place for notices; records storage. The official meeting place for the GEZDC shall be determined by the GEZDC at their first meeting in each calendar year. Any official notices shall be posted on the public entrances to this meeting place. The official records of the GEZDC shall be stored in the Mayor's office.

Section 3. Responsibilities and administration of the GEZDC. The Green Enterprise Zone Development Council ("GEZDC") shall:

(a) Seek and actively assist commercial and residential property owners and business owners to access available federal and state incentives to expand, retrofit, rehabilitate or integrate new advanced energy technology and building methods;

(b) Recommend to the Mayor and City Council ways to attract new "green collar" and "green" employers to the City by making periodic reports to Council;

(c) Allocate renewable energy and energy efficiency tax incentives, grants or rebates as set by ordinance.

(d) The GEZDC will accept applications from qualified businesses for grants from the Green Enterprise Grant ("GEG") program hereby created and make recommendations to the City of Wilmington Policy Committee (the Treasurer, Auditor and Mayor) (hereinafter the "Policy Committee") for funding of said grants.

(e) Determine and/or apply accepted standards for green economic development, green building practices, or define what qualifies as a green employer, green building practice or green economic development practice;

(f) Serve as an advisor to businesses regarding any federal or state incentives available that promote green energy and economic development opportunities;

(g) Negotiate GEZ agreements with qualifying businesses or landowners and recommend said agreements for Council's approval with qualifying businesses for the rebate and incentives for investment purposes as described herein;

(h) Ensure that any agreements contain the information required in the Ohio Revised Code, American Recovery and Reinvestment Act of 2009, and any other applicable Federal or State code, grant, or incentives and provisions

available to promote green energy and economic development opportunities, including, but not limited to: a description of the qualifying service, project, renewable and efficiency products and sources, determining what projects/businesses qualify for the GEZ status incentives, the number of jobs created or retained, and the specific amount, percentage and/or term of the rebate, grant, or incentive(s) being requested;

(i) Collect from the applicants an administrative fee in an amount equal to 10% of the value of any incentive, reduction in building or permit fees, rebate, grant or other allowable incentive requested by the applicant and approved by the GEZ.

(j) Maintain its records pursuant to a records retention schedule.

(k) Employ professional consulting services as necessary to aid in the development, review, administration, coordination or other activities as they relate to the GEZ with said services being paid for from the GEZ administrative fund.

(l) Submit an annual comprehensive zone activities report to City Council on or before the first Thursday of September of each year.

(m) Review annually each agreement and issue a report regarding compliance. These agreement reports may be included in a comprehensive annual zone activities report.

(n) Establish rules for the operations of the GEZDC to be adopted by a majority of the members of the GEZDC.

(o) Encourage the community to retrofit existing residential and commercial properties with “green” improvements such as installing class A roof assembly, residential cool roofs, garden roofs, insulation above minimum energy code standards, renewable energy heating systems, biomass, wind turbines, geothermal heat pumps, co-generation fuel cells, skylights, tankless domestic water heaters, grey water systems, high performance windows and doors, high efficiency HVAC systems, and other green installations or innovations;

(p) The GEZDC shall make a budget recommendation to the Policy Committee on or before the first Thursday of September of each year for GEG funding for the following fiscal year.

Section 4. Economic development and energy efficiency incentives available in the GEZ.

(a) Green Enterprise Grant (“GEG”) Program. There is hereby created a Green Enterprise Grant (“GEG”) Program.

(1) The City of Wilmington will provide Green Enterprise Grants for qualifying projects for new or existing commercial or industrial business entities approved by the GEZDC. The GEZDC will determine the criteria for qualifying projects, accept applications for grant funding for projects, determine the matching amount to apply to GEG projects, and recommend projects to the Policy Committee for funding.

(2) Criteria for qualifying projects. The GEZDC will determine the criteria for qualifying “green” projects. Qualifying projects are those that will enhance the “green” character of a building, property, or a public space or infrastructure. Green projects will be those that reduce dependency on fossil fuels and reduce the carbon footprint of a building. Qualifying projects will typically involve increasing energy efficiency, improved weatherization, the use of clean energy technologies or projects that maintain or increase the use of organic materials or live green plants on the property. Typical projects would include: the retrofit/installation of energy efficiency improvements such as installing class A roof assembly, residential cool roofs, garden roofs, insulation above minimum energy code standards, renewable energy heating systems, biomass, wind turbines, geothermal heat pumps, co-generation fuel cells, solar panels, skylights, tankless water heaters, grey water systems, high performance windows and doors, high efficiency HVAC systems, and other green installations or innovations. Typical projects could also include installing organically or sustainably grown building materials, the planting of trees or shrubs (preferably where none existed before), the installation of storm water gardens, urban gardens, the restoration of wetland features on a property, and similar projects that contribute to reducing carbon emissions. In cases where the business is located in a qualifying building but the applicant does not own the building, the grant may be spent on “green” business development such as business fixtures or business development (e.g. workforce development and training) that meet criteria set forth by the GEZDC.

(3) Matching funds. Applicants for GEG funds for projects to be completed in commercial buildings built in 1950 or before or that have been vacant for six (6) months must provide 25% matching funds for the GEG-funded projects. All others must provide 50% matching funds for GEG-funded projects in their buildings or on their properties.

(b) Projects qualifying for 75% reduction in building and permit fees.

(1) Residential or commercial projects registered with the U.S. Green Building Certification Institute are eligible for a 75% reduction in building and permit fees contingent upon the project achieving LEED Certification upon completion. Projects involving the installation of advanced electric generation equipment intended primarily for residential or agricultural use that have a generating capacity of no greater than 60,000 watts are eligible for a seventy five percent (75%) reduction in building and permit fees.

(2) The owner of the project must apply for the building and permit fee(s) reduction in advance of the improvement. The City Director of Public Service shall make a recommendation to the GEZDC regarding the qualification of the project for the fee reduction(s).

(c) Projects qualifying for 50% reduction in building and permit fees.

(1) Existing residential and commercial properties may be eligible for a reduction by fifty percent (50%) of building and other permit fees associated with “green” projects as determined by the GEZDC.

(2) The owner of the project must apply for the building and permit fee(s) reduction in advance of the improvement. The City Director of Public Service shall make a recommendation to the GEZDC regarding the qualification of the project for the fee reduction(s).

Section 5. Green Building Assessments for the City of Wilmington. The Service Director of the City of Wilmington is hereby directed to submit a Green Building Assessment to the GEZDC and to City Council for city building projects prior to funding. The “Green Assessment” shall provide a cost-benefit analysis for construction to achieve a LEED Certification.

Section 6. Effective date. This Ordinance shall have full force and effect from the earliest period allowed by law.

Passed this _____ day of _____, 2009.

President of Council

ATTEST:

Clerk of Council

Approved by me this _____ day of _____, 2009.

Mayor