AGENDA

Planning, Zoning, and Historic Preservation Commission
Thursday, December 8, 2022 5:30 pm
City Hall Chambers
326 Grant St. / Carthage MO 64836

Call to Order

Minutes of Previous Meeting Monday, October 3, 2022

Public Hearing

1. Request for Rezoning property located at 828 & 830 W Fairview from 'A' First Dwelling to 'F' Light Industrial.

Staff Report

New Business

Old Business

1. 353 Tax Abatement Update

Next Meeting:

Adjourn

Commission Members

Voting Members:	Chairman	Abi Almandinger	1220 S Main	417-793-6589
	Vice Chairman	Jim Swatsenbarg	601 Howard	417-358-1690
	Secretary	Harry Rogers	1350 S Main St	417-358-4527
	Member	Jim Hunter	1514 S River	417-850-5355
	Member	Alan Bull	614 E Centennial	417-388-2309
	Member	Bill Barksdale	1314 S Garrison	417-388-2464
	Member	Joshua Anderson	1205 S Main	417-793-2196
Non-Voting Members:	Mayor	Dan Rife	City Hall	417-237-7003
	City Administrator	Greg Dagnan	City Hall	417-237-7003
	Asst. City Administrator	Traci Cox	City Hall	417-237-7003
	Councilmember	Mark Elliff	1511 Grand Ave	417-359-3662
Staff:	Public Works Director	Zeb Carney	Public Works Department	417-237-7010

Public Works Department 623 E Seventh Carthage MO 64836 Tele: (417) 237-7010 Fax: (417) 237-7011 Email: pwd@carthagemo.gov

Planning, Zoning, & Historic Preservation Commission

Meeting Minutes

October 03, 2022 / 5:30 PM / City Hall Chambers

Attendees

Members: Abi Almandinger, Jim Swatsenbarg, Alan Bull, & Josh Anderson

Staff & Council: Greg Dagnan, Zeb Carney, Traci Cox, & Mark Elliff

Guest speakers: John Perterson & Andrew Dial

The meeting was called to order at 5:30 by Abi Almandinger, Chairman

Agenda

Approval of Previous Meeting Minutes

- Motion by Alan Bull to approve previous meeting minutes, seconded by Josh Anderson - all present voted in favor, minutes were approved

Public Hearing

- There were no public hearings

New Business

- Abi discussed the grant application that P,Z, & HP and CHP have jointly applied for with the State Historic Preservation Office (SHPO). SHPO grant representatives, Andrew Dial, also discussed the grant process and the current status of the grant.
- John Peterson & Andrew Dial from SHPO discussed the CLG recertification process
- John & Andrew gave a short talk about SHPO and how the grant funding process works, gave examples of other towns and projects that have benefited from these grants, and discussed several grant opportunities with the National Parks Service (NPS)
- There was discussion about an additional grant funding for additional classes. This grant application is due November 15th. Jim Swatsenbarg made a motion that we begin the application process for this grant, seconded by Josh Anderson - all present voted in favor

Old Business

- There was much discussion about the 353 Tax Abatement and the actual verbiage of the ordinance to be sent to city council. Several suggestions were made about the wording and Greg will make the revisions.
- A motion was made by Alan Bull to approve the ordinance and send it on to City Council with Greg's amended wording, the motion was seconded by Jim Swatsenbarg - all voted in favor.
- The ordinance will appear on the next city council meeting agenda on October 11th.
- The next steps in the process were discussed, how to set up a corporation, etc, and Zeb and his team will start preparing a draft 353 Application for applicants to apply for the program.

At 6:36 a motion was made to adjourn the meeting by Jim Swatsenbarg, seconded by Alan Bull.

REZONING REQUEST

You must provide all requested information on this application. Blanks may delay processing your request. (write 'n/a' if information not applicable)

"America's Maple Leaf City"

Date: 10/17/2022 Filing Fee: $100.00

Owner: Philip K and Sharon R Brown
Address: 2533 Theo Street Tele: 417 793 8065
City: Carthage MO 64836 State: MO Zip Code: 64836
Email Address: pksrbrown@gmail.com Fax:

Applicant: Philip K Brown Relationship to Owner: Same
(person to whom all correspondence will be sent)
Address: Tele:
City: State: Zip Code:
Email Address: Fax:

Property Location: 838 and 830 W Fairview Ave

Legal Description: Southside Add Lots 13, 14 & 15

(attach separate sheet if necessary)

Adjacent Zoning and Land Use:

	Existing Land Use	Zoning
North	(H) Industrial - Non Retail	Class-C
South	(R) Residence	R
East	~~County~~ Industrial - Non Retail (?)	Class C
West	County County Land Vacant	?

Note: The City's Zoning Ordinance may be viewed at the Public Works Department

Present Use of Property: Vacant Land

Proposed Use of Property: Light Industrial

Current Zoning: R 1st Dwelling

Zoning Requested: F Light Industrial

Request initiated by: Denied permit Change of land use New development

Philip K Brown

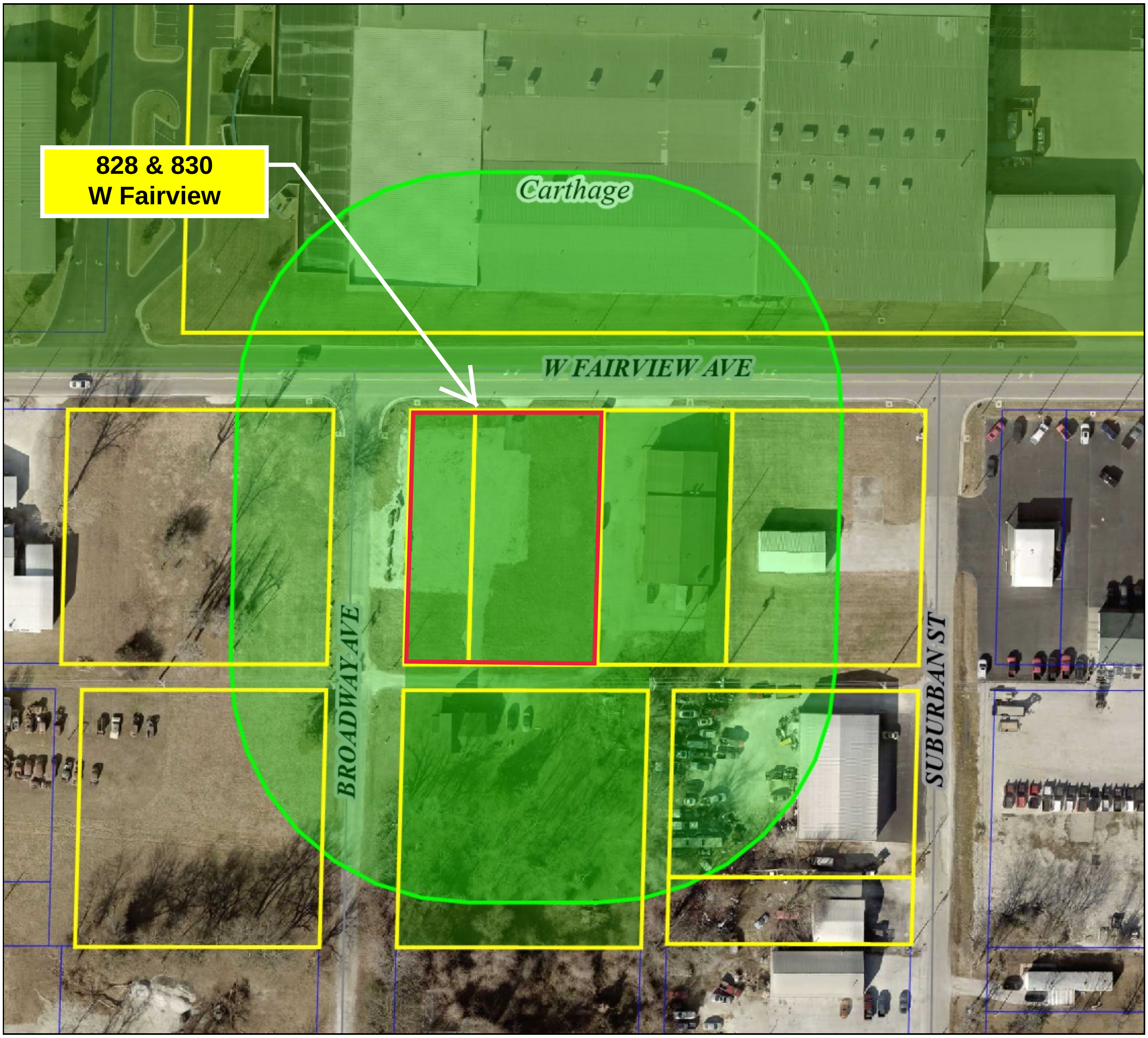
Owner's Signature

Applicant's Signature

Return Form to: Public Works Department

Office Use Only: Date Received: ____________	Hearing date: ____________	Approved: ☐ Yes ☐ No
Filing Fee: ____________		

185' Property Ownership Map
828 & 830 W Fairview

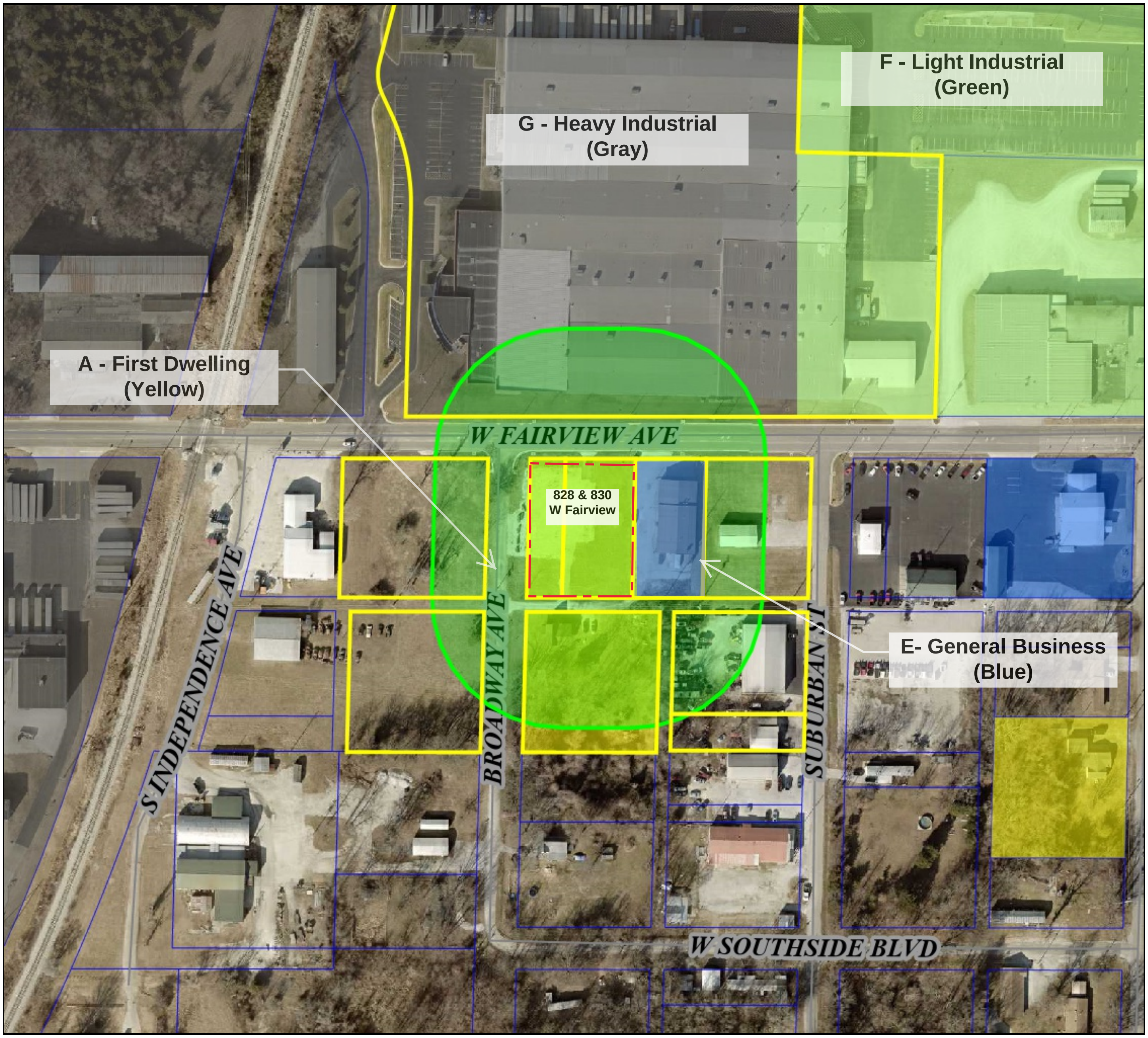


Any split parcels recorded after the middle of May will not display until the next tax year.

Date created: 11/20/2022
Last Data Uploaded: 11/18/2022 1:57:35 AM

Developed by Schneider GEOSPATIAL

Current Zoning Map



Developed by Schneider GEOSPATIAL

REZONING REVIEW PROCESS

It is strongly recommended that any person considering a Rezoning request to first contact the Public Works Department staff, who will explain the review process, applicable requirements and standards, potential issues, and provide the necessary forms.

When an owner/contractor submits a Building Permit Application and through the plan review process it is determined by the Building Inspector that the proposed structure does not comply with the zoning requirements for that district, the permit is denied and the applicant is informed of their options. All property annexed into the City shall automatically be classified as lying and being in district "A", if other zoning is desired it must go through the Rezoning review process.

Review of a Rezoning request occurs in accordance with defined cycles that accommodate comprehensive review by the City, a public hearing and review by the Planning, Zoning and Historic Preservation Commission, and public notice of hearing.

- Request Rezoning Application from the Public Works Department
- Applicant completes application and returns it to the Public Works Department
- Public Works Department staff reviews the application and directs any concerns to the Applicant
- Once the Applicant pays the filing fee, the Rezoning Request is placed on the next Planning, Zoning and Historic Preservation Commission Meeting Agenda
- Applicant is notified of hearing date
- Notice of Public Hearing Date is published in Carthage Press
- The Public Works Department notifies adjoining property owners within 185" of the property designated for rezoning of the Public Hearing Date
- City Clerk posts agenda no less than 24 hours prior to meeting
- Planning, Zoning and Historic Preservation Commission conducts hearing and votes on recommendation to City Council regarding approval or denial of request
- Upon an approval, a Council bill is prepared for first reading at next Council meeting
- Council Bill goes through a second reading by Council
- City Clerk notifies all agencies of rezoning

Note: The City Council meet the second and fourth Tuesday of each month. The Planning, Zoning and Historic Preservation Commission meet on the first Monday of every month.

CERTIFICATE OF CORPORATE RESOLUTION OF THE CARTHAGE REDEVELOPMENT CORPORATION INC.,

Resolution No. 2023-01

A RESOLUTION approving the Bylaws of the Carthage Redevelopment Corporation; authorizing the Chairman to execute the same and setting a date when this Resolution shall become effective.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CARTHAGE REDEVLOPMENT CORPORATION, CARTHAGE, MISSOURI, as follows:

Section 1. That the Board approves the Bylaws of the Carthage Redevelopment Corporation Inc., a true and accurate copy of the same being attached hereto.

Section 2. That the Chairman or Vice Chairman is hereby authorized and directed to execute said Amended and Restated Bylaws.

Section 3. That this Resolution shall become effective from and after the date of passage thereof.

PASSED BY THE BOARD OF DIRECTORS OF THE CARTHAGE REDEVELOPMENT CORPORATION, SARCOXE, MISSOURI, this ______Day of _______________2023.

ATTEST:

___________________________________ ___________________________________

___________________________, Secretary ___________________________, Chairman

CARTHAGE REDEVELOPMENT CORPORATION, INC.

ARTICLE I Name and Purpose

Section 1. Name. The name of the corporation shall be the Carthage Redevelopment Corporation, Inc., (hereinafter referred to as the "Corporation" or “CRC”).

Section 2. Purpose. The purpose for which the CRC is organized is as set forth in the Articles of Agreement of the Corporation.

ARTICLE II Locations of Offices

Section 1. Offices. The principal office of the CRC shall be located in Carthage, Missouri.

Section 2. Other Offices. The CRC may have offices at such other place or places, either within or without the State of Missouri, as the Board of Directors may, from time to time, designate.

ARTICLE III Board of Directors

Section 1. General Powers. The affairs of the CRC shall be managed by its Board of Directors (hereinafter referred to as the "Board"). Unless otherwise specified, Directors need not be residents of the State of Missouri. The Directors shall select one of their members who shall serve as Chairman and preside over Board meetings.

Section 2. Number and Qualifications. The Board shall consist of five (5) members. There shall be two (2) classes of Directors: Appointed and Ex-Officio. The Directors shall be selected as set forth herein.

Section 3. Appointed Directors. The Directors of the corporation shall be appointed by the City Council. The current Board shall be:

Name 1	Name 2	Ed Hamm
Name4	Name 5	

Section 4. Term. A Director shall serve a term of three (3) years, provided that the Board shall select, from its number, an initial term of two (2) years for two (2) Directors, and an initial term of one (1) year for two (2) of its Directors.

Section 5. Ex-Officio Board Members. In addition to the appointed members of the Board, the Mayor of the City of Carthage or his designee among the Council of the City of Carthage shall be ex-officio members of the Board but they shall have no vote on corporation issues.

Section 6. Resignation and Removal. A Director may resign at any time by submitting his written resignation to the Chairman of the Board. Resignations shall be effective on the date specified therein, or, if no date is specified, upon receipt by the Chairman. A Director may be removed, with or without cause, by a majority vote of the Directors then in office or by action of the Carthage City Council. Resignation or removal shall also constitute resignation from any committee of which such Director is member and from any office held by such Director.

Section 7. Vacancies. Any vacancy in an appointed or ex-officio director shall be filed by the individual selected to fill such position.

Section 8. Attendance. Directors are required to attend at least one-half (1/2) of the Board meetings held each year. A Director who fails to meet the above attendance requirement or who misses three (3) consecutive regularly schedule meetings may be removed from office. Exceptions for illness and personal emergencies may be considered.

Section 9. Regular Meetings. Regular quarterly meetings of the Board shall be held quarterly at the principal place of business of the Corporation or as specified in the notice of the meeting. The meeting held during the 2nd quarter shall be the annual meeting of the Board.

Section 10. Agenda for Annual Meeting. The Agenda for the annual meeting of the Board shall be as follows:

A. Call to order by the Chairman
B. Approval of minutes of the previous meeting
C. Committee Reports
D. Reports of Officers
E. Any business
F. Recognition of Directors who shall immediately assume office
G. Election or appointment of Officers by the current Directors

Section 11. Special Meetings. Special meetings of the Board may be called by or at the request of the Chairman or two (2) Directors. The location of special meetings shall be at the principal office of the CRC unless a majority of the Directors deem it appropriate to meet at another location.

Section 12. Notice. Written or printed notice stating the place, day, hour of the meeting and, in case of a special meeting, the purpose or purposes for which it is called shall be delivered not less than two (2) nor more than fourteen (14) days before the date of the meeting, either personally, by mail or by email by or at the direction of the Chairman or the Secretary to each member of the Board. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the Director at his address as it appears on the records of the Corporation, with postage thereon prepaid. The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

Section 13. Quorum. A majority of the whole Board present in person shall constitute a quorum for the transaction of any business at any meeting of the Board; provided, however, that less than a majority of the Directors present may adjourn the meeting from time to time without further notice.

Section 14. Voting. A Director shall vote in person.

Section 15. Manner of Acting. The act of a majority of the Directors present in person at a meeting at which a quorum is present shall be the act of the Board, unless the act of a greater number is required by law, the Articles of Agreement, or these Bylaws.

Section 16. Compensation. Directors as such shall not receive any stated salaries for their services. They may receive reimbursement for necessary expenses, as authorized and approved by the Board. Notwithstanding the foregoing, nothing contained in this Section shall be construed to preclude any Director from serving the Corporation in any other capacity and receiving compensation therefor.

ARTICLE IV Officers

Section 1. Officers. The officers of the Corporation shall be a Chairman, one or more Vice-Chairmen, a Secretary, a Treasurer, and such other officers as may be elected or appointed in accordance with the provisions of this Article. The Board may elect or appoint such other officers as it shall deem desirable, such officers to have the authority and perform the duties prescribed from time to time by the Board. Any two (2) or more offices may be held by the same person, except the offices of Chairman and Secretary.

Section 2. Election and Term of Office. The officers of the Corporation shall be elected by the Board at its annual meeting. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as may be convenient. New offices may be created and filled at any meeting of the Board. Each officer shall hold office for one (1) year and until his successor shall have been duly elected and shall have qualified. No person except the Chairman shall serve in any single office for more than three (3) consecutive one-year terms. After an absence of one (1) year in any office, such person shall be eligible for re-election to that office for up to three (3) additional consecutive one-year terms.

Section 3. Removal. Any officer elected or appointed by the Board may be removed by a majority vote of the Directors then in office whenever in their judgment the best interests of the Corporation would be served thereby. The removal of an officer shall be without prejudice to the contract rights, if any, of the officer so removed. Election or appointment of an officer, however, shall not of itself create any contract rights.

Section 4. Vacancies. A vacancy in any office due to death, resignation, removal, disqualification or otherwise may be filled by the Board for the unexpired portion of the term.

Section 5. Chairman. The Chairman shall preside at all meetings of the Board. He shall see that all orders and resolutions of the Board are carried into effect and, in general, shall perform all duties incident to the office of Chairman and such other duties as may be assigned by the Board. He shall prepare a formal report of all activities of the corporation, which shall be made available within thirty (30) days of the close of the corporation's fiscal year.

Section 6. Vice-Chairman. The Vice-Chairman shall act in the absence of the Chairman, in which case he shall have all the power and authority of the Chairman.

Section 7. Secretary. The Secretary shall record or cause to be recorded minutes of all meetings of the Board. He shall give or cause to be given notices of all meetings.

Section 8. Treasurer. The signature of the Treasurer shall be required on all corporate checks. He shall have charge and custody of and be responsible for all funds and securities of the Corporation; receive and give receipts for monies due and payable to the Corporation from any source whatsoever; and deposit all such monies in the name of the Corporation in such banks, trust companies or other depositories as shall be selected in accordance with the provisions of Article VIII of these Bylaws. He shall, with the advice of the Chairman, prepare an annual budget for the corporation. He shall with the advice of the Chairman, submit quarterly reports of the corporation's fiscal affairs to the Board and City Council. The Treasurer shall perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him by the Board.

Section 9. Assistant Secretaries and Assistant Treasurers. If required by the Board, the Assistant Treasurers shall give bonds for the faithful discharge of their duties in such sums and with such sureties as the Board shall determine. The Assistant Secretaries and Assistant Treasurers, in general, shall act respectively in the absence of the Secretary or the Treasurer, in which case they shall have all the power and authority of the Secretary or the Treasurer. The Assistant Secretaries and Assistant Treasurers shall perform such duties as shall be assigned to them by the Secretary, the Treasurer, or by the Board.

ARTICLE V Committees

Section 1. Committees of the Board. The Board, by resolution adopted by a majority of the Directors in office, may designate and appoint one or more committees, each of which shall consist of two (2) or more Directors, which committees, to the extent provided in said resolution or these Bylaws, shall have and exercise the authority of the Board in the management of the Corporation; provided, however, that no such committee shall have the authority of the Board in reference to amending, altering or repealing the Bylaws; electing, appointing or removing any member of any such committee or any Director or officer of the Corporation; amending the Articles of Agreement; adopting a plan of merger or adopting a plan of consolidation with another corporation; authorizing the sale, lease, exchange or mortgage of all or substantially all of the property and assets of the Corporation; authorizing the voluntary dissolution of the Corporation or revoking proceedings therefor; adopting a plan for the distribution of the assets of the Corporation; or amending, altering or repealing any resolution of the Board which by its terms provides that it shall not be amended, altered or repealed by such committee. The designation and appointment of any such committee and the delegation thereto of authority shall not operate to relieve the Board or any individual Director of any responsibility imposed upon it or him by law.

Section 2. Other Committees. Other committees not having and exercising the authority of the Board in the management of the Corporation may be designated by a resolution adopted by a majority of the Directors present at a meeting at which a quorum is present. Except as otherwise provided in such resolution, or by these Bylaws, members of each such committee shall be members of the Board, and the Chairman shall appoint the members thereof. Any member thereof may be removed by the person or persons authorized to appoint such member whenever in their judgment the best interests of the Corporation shall be served by such removal.

Section 3. Term of Office. Each member of a committee shall continue as such until the next annual meeting of the Board and until his successor is appointed, unless the committee shall be sooner terminated, or unless such member be removed from such committee, or unless such member shall cease to qualify as a member thereof.

Section 4. Chairman. One member of each committee shall be appointed chairman by the person or persons authorized to appoint the members thereof.

Section 5. Vacancies. Vacancies in the membership of any committee may be filled by appointments made in the same manner as provided in the case of the original appointments.

Section 6. Quorum. Unless otherwise provided in the resolution of the Board designating a committee, or these Bylaws, a majority of the whole committee shall constitute a quorum and the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the committee.

Section 7. Rules. Each committee may adopt rules for its own government not inconsistent with these Bylaws, or with rules adopted by the Board.

ARTICLE VI Contracts, Checks, Deposits and Funds

Section 1. Contracts. The Board may authorize any officer or officers, agent or agents of the Corporation, in addition to the officers so authorized or required by these Bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to specific instances.

Section 2. Checks, Drafts, Etc. All checks, drafts or orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Corporation shall be signed by such officer or officers, agent or agents of the Corporation and in such manner as shall from time to time be determined by resolution of the Board. In the absence of such determination by the Board, such instruments shall be signed by the Treasurer or an Assistant Treasurer; provided, however, that any checks, drafts or orders for the payment of money, notes or other evidences of indebtedness of the Corporation exceeding Five Hundred Dollars ($500.00), shall be countersigned by the Chairman of the Corporation.

Section 3. Deposits. All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies and other depositories as the Board may select.

Section 4. Gifts. The Board may accept on behalf of the Corporation any contribution, gift, bequest or devise for the general purposes or for any special purpose of the Corporation.

ARTICLE VII Indemnification

Section 1. Actions Other Than By or in the Right of the Corporation. The Corporation may indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit, or proceeding, whether civil, criminal, administrative or investigative, other than an action by or in the right of the Corporation, by reason of the fact that he is or was a Director, officer, employee or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses, including attorneys' fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit, or proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the Corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. The termination or any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interests of the Corporation, and, with respect to any criminal action reasonable cause to believe that his conduct was unlawful.

Section 2. Actions by or in the Right of the Corporation. The Corporation may indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the corporation to procure a judgment in its favor by reason of the fact that he is or was a Director, officer, employee or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against expenses, including attorneys' fees, actually and reasonably incurred by him in connection with the defense or settlement of the action or suit if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the Corporation; except that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his duty to the Corporation unless an only to the extent that the court in which the action or suit was brought determines upon application that, despite the adjudication of liability and in view of all the circumstances of the case, the person is fairly and reasonably entitled to indemnify for such expenses which the court shall deem proper.

<u>Section 3. Indemnification Against Expenses</u>. To the extent that a Director, officer, employee or agent of the Corporation has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in this Article, or in defense of any claim, issue or matter therein, he shall be indemnified against expense, including attorneys’ fees, actually and reasonably incurred by him in connection with the action, suit or proceeding.

<u>Section 4. Authorization of Indemnification</u>. Any indemnification under Sections 1 and 2 of this Article, unless ordered by a court, shall be made by the Corporation only as authorized in the specific case upon a determination that indemnification of the Director, officer, employee or agent is proper in the circumstances because he has met the applicable standard of conduct set forth in this Article. The determination shall be made by the Board by a majority vote of a quorum consisting of Directors who were not parties to the action, suit or proceeding or, if such a quorum is not obtainable, or even if obtainable a quorum of disinterested Directors so directs, by independent legal counsel in a written opinion.

<u>Section 5. Payment of Expenses in Advance</u>. Expenses incurred in defending a civil or criminal action, suit or proceeding may be paid by the Corporation in advance of the final disposition of the action, suit or proceeding as authorized by the Board in the specific case upon receipt of an undertaking by or on behalf of the Director, officer, employee or agent to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified by the Corporation as authorized in this Article.

<u>Section 6. Provisions Not Exclusive</u>. The indemnification provided by this Article shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled to under any Bylaw, agreement, vote of the disinterested Directors or otherwise, both as to action in his official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a Director, officer, employee or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

<u>Section 7. Insurance</u>. The Corporation may purchase and maintain insurance on behalf of any person who is or was a Director, officer, employee or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against any liability asserted against him and incurred by him in any such capacity, or arising out of his status as such, whether or not the Corporation would have the power to indemnify him against such liability under the provisions of this Article.

Section 8. Definitions. For the purpose of this Article, references to "the Corporation" include all constituent corporations absorbed in a consolidation well as the resulting or surviving corporation so that any person who is or was a director, officer, employee or agent of such a constituent corporation or is or was serving at the request of such constituent corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise shall stand in the same position under the provisions of this Article with respect to the resulting or surviving corporation as he would if he had served the resulting or surviving corporation in the same capacity.

For the purposes of this Article, the term "other enterprise" shall include employee benefit plans; the term "fines" shall include any excise taxes assessed on a person with respect to an employee benefit plan; and the term "serving at the request of the Corporation" shall include any service as a Director, officer, employee or agent of the Corporation which imposes duties on, or involves services by, such Director, officer, employee, or agent with respect to an employee benefit plan, its participants, or beneficiaries; and a person who acted in good faith and in a manner he reasonably believed to be in the interest of the participants and beneficiaries of an employee benefit plan shall be deemed to have acted in a manner "not opposed to the best interests of the Corporation" as referred to in this Article.

ARTICLE VIII Conflicts of Interest

Each Director prior to taking his position on the Board of Directors, and all present Directors as soon as practical after the adoption of this policy, shall submit in writing to the Chairman of the Corporation a list of all business or other organizations of which the Director is an officer, member, owner, or employee, or for which he acts as an agent, with which the corporation transacts business, or might reasonably in the future transact business or enter into a relationship in which the Director may have a conflicting interest. Each written statement shall be submitted with any necessary changes as they occur. Within ten (10) days prior to the annual meeting of the Board of Directors, the Secretary shall mail to each Director his or her current statement for review. Prior to the annual meeting of the Board of Directors, each Director shall return the statement either verifying its accuracy or making necessary changes. The Chairman of the Board of Directors shall become familiar with the statements of all Directors in order to guide his conduct should a conflict arise. The Vice-Chairman of the Board of Directors shall be familiar with the statement filed by the Chairman of the Board of Directors.

No contract or transaction between the Corporation and one or more of its Directors or officers, or between the Corporation and any other corporation, partnership, association or other organization in which one or more of its Directors or officers are directors or officers or have a financial interest, shall be void or voidable solely for this reason, or solely because the Director or officer is present at or participates in the meeting of the Board or committee thereof which authorizes the contract or transaction, or solely because his or their votes are counted for such purpose, if:

A. the material facts as to his relationship or interest and a transaction are disclosed or are known to the Board or committee, and the Board or committee in good faith authorizes the contract or transaction by the affirmative vote of a majority of the disinterested Directors, even though the disinterested Directors be less than a quorum; or

B. the contract or transaction is fair as to the Corporation as of the time it is authorized or approved by the Board, or a committee thereof, or the Sole Member.

Common or interested Directors may be counted in determining the presence of a quorum at a meeting of the Board or a committee which authorizes the contract or transaction.

ARTICLE IX Books and Records

The Corporation shall keep correct and complete books and records of account, shall keep minutes of the proceedings of the Board and committees having any of the authority of the Board, and shall keep, at the registered or principal office, a record giving the names and addresses of the members of the Board,

ARTICLE X Fiscal Year

The fiscal year of the Corporation shall begin on the first day of January and end on the last day of December in each year.

ARTICLE XI Seal

The Board shall provide a corporate seal which shall be in the form of a circle and shall have inscribed thereon the name of the Corporation and the words “Corporate Seal, State of Missouri”.

ARTICLE XII Waiver of Notice

Whenever any notice is required to be given by law, the Articles of Agreement or these Bylaws, a waiver thereof in writing signed by the person or person entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE XIII Dissolution

In the event of the dissolution of the Corporation or the winding up of its affairs, or other liquidation of its assets, all assets of the Corporation remaining after the payment of the Corporation's debts shall be conveyed or distributed only to the City of Carthage, Missouri.

ARTICLE XIV Amendments

These Bylaws may be altered, amended or repealed and new bylaws adopted only by a two-thirds (2/3rds) vote of the Directors then in office; provided, however, that notice of the proposed amendment be given to each Director ten (10) days prior thereto.

* * *

Adopted by the Board of Directors of the CARTHAGE REDEVELOPMENT CORPORATION, INC., this ____ Day of _____________, 2023.

ATTEST:

____	____
_________________________, Secretary	_____________________, Chairman
CARTHAGE REDEVELOPMENT CORPORATION, INC.	CARTHAGE REDEVELOPMENT CORPORATION, INC.

Articles of Agreement
of
CARTHAGE REDEVELOPMENT CORPORATION, INC.

The undersigned, being a natural person of the age of eighteen (18) years or more, for the purpose of forming a Redevelopment Corporation under the "Urban Redevelopment Corporation Law" and all amendments thereto, does hereby adopt the following Articles of Agreement:

ARTICLE ONE

The name of the corporation is: Carthage Redevelopment Corporation, Inc.

ARTICLE TWO

The address of its initial registered office in the State of Missouri is 326 Grant Street Carthage, MO 64836, and the name of its initial registered agent is Nathaniel Dally. The corporation's principal business office shall be located at 326 Grant Street Carthage, MO 64836.

ARTICLE THREE

The aggregate number of shares which the corporation shall have authority to issue shall be **Thirty Thousand (30,000) shares** of common stock with a par value of **One Dollar and No/100 ($1.00) Dollars per share,** amounting to the aggregate of **Thirty Thousand and No/100 ($30,000.00) Dollars.**

ARTICLE FOUR

The names and place of residence of the **subscribers** are:

I need 5 people for the Board with Addresses

ARTICLE FIVE

The number of directors to constitute the first Board of Directors shall be five (5). The names and addresses of the first Board of Directors are as follow:

Same

ARTICLE SIX

The duration and, number of years the corporation is to continue shall be ninety-nine (99) years.

ARTICLE SEVEN

The nature of the business and the objects and purposes for which the corporation is formed and which may be transacted, promoted, and carried on by the corporation are to do any and all of the things herein mentioned as fully and to the same extent as natural persons might or could do, viz:

A) To acquire, construct, maintain and operate redevelopment projects or redevelopment properties in accordance with the provisions of Chapter 353 of the Revised Urban Redevelopment Corporation Law;

B) To purchase, acquire, through the issuance of its capital stock or otherwise, own, hold, lease, either as lessor or lessee, sell, exchange, subdivide, mortgage, plant, improve, cultivate, develop, construct, maintain, equip, operate and generally deal in any and all lands, improved and unimproved, and in business blocks, office buildings, manufacturing works and plants, and other buildings of any kind, and the products and avails thereof, and any and all other property of any and every kind or description, real, personal and mixed, and wheresoever situated;

C) To purchase, or in any way acquire for investment or for sale or otherwise, lands, contracts for the purchase or sale of lands, buildings, improvements, and any other real property of any kind or any interest therein, and as the consideration for same to pay cash or to issue the capital stock, debenture bonds, mortgage bonds, or other obligations of the corporation, and to sell, convey, lease, mortgage, deed of trust, turn to account, or otherwise deal with all or any part of the property of the corporation; to make and obtain loans upon real estate, improved or unimproved, and upon personal property, giving or taking evidences of indebtedness and securing the payment thereof by mortgage, trust deed, pledge or otherwise; and to enter into contracts to buy or sell any property, real or personal; to buy and sell mortgages, trust deeds, contracts, and evidences of indebtedness;

D) To buy, lease, contract for, invest in or otherwise acquire any real or personal property, or any interest therein, or all or any part of the good will, rights, franchises, property and business of any person, entity, partnership, association or corporation, and to pay for the same in cash or in stock in any class, bonds, or other obligations of the corporation or otherwise, to hold, utilize and in any manner dispose of the whole or any part of the business thus acquired;

E) To sell, lease, exchange, convey, mortgage, pledge, transfer, assign and deliver, and otherwise dispose of all or any part of the property, assets and effects of the corporation, and receive in payment therefor cash or stocks, bonds, notes, debentures or other securities or evidences of indebtedness or individual, firm, corporation, company, association, trust or organization, on such terms and conditions as the Board of Directors of the corporation shall determine, subject to limitations, restrictions or requirements imposed by law;

F) To act as principal, agent, broker, dealer, factor, jobber, commission merchant or in any representative capacity in transacting any business authorized herein;

G) To manufacture, buy, sell, exchange, mortgage, encumber, improve, develop, manage, control, assign, transfer, convey, lease, pledge, or otherwise acquire, hold, own, alienate or dispose of, property of any kind whatsoever, real, personal, or mixed wheresoever situated or any interest therein;

H) To construct, improve, rebuild, alter, decorate, maintain, manage, control, lease, encumber, or otherwise to acquire, hold and dispose of and deal in any and all kinds of improvements upon land belonging to this company, or upon other land;

I) To enter into any lawful arrangement for profit sharing, reciprocal concession or cooperation, with any corporation, association, partnership, syndicate, entity, person or governmental, municipal or public authority, domestic or foreign, in carrying on of any business which the corporation is authorized to carry on or any business or transaction deemed necessary, convenient or incidental to carrying out any of the purposes of the corporation;

J) To lease, purchase, manufacture, or otherwise acquire and to own, hold, mortgage, pledge, assign, transfer or otherwise dispose of, and generally to deal in and use building materials, tools, equipment, furniture, fixtures, construction, maintenance and management of real estate, buildings and other structures;

K) To acquire, hold, sell, use, assign, lease, grant licenses in respect of, mortgage, or otherwise dispose of letters patent of the United States or of any foreign country, patent rights, licenses and privileges, inventions, improvements and processes, copyrights, trademarks and trade names, relating to or used in connection with any business of the corporation;

L) To purchase, insofar as the same may be done without impairing the stated capital of the corporation, and to hold, pledge and reissue shares of its own capital stock, but such shares so acquired and held shall not be entitled to vote, either directly or indirectly, nor to receive dividends;

M) To purchase, or in any manner acquire, to own and hold, receive dispose of the income from, to guarantee, sell, assign, transfer, mortgage or otherwise dispose of, and to exercise all of the rights of individual natural persons with respect to any bonds, securities and evidences of indebtedness of, or shares of stock in any corporation or joint stock company of any state, territory or country, and while the owner of said stock, to exercise all of the rights, powers and privileges of ownership, including the right to vote thereon;

N) To purchase, incorporate and/or cause to be merged, consolidated, reorganized or liquidated, and to promote, take charge of and aid, in any way permitted by law, the incorporation, merger, consolidation or liquidation of any corporation, association or entity;

O) To borrow or raise moneys for any of the purposes of the corporation and from time to time, without limit as to amount, to draw, make, accept, endorse, execute and issue promissory notes, drafts, bills of exchange, warrants, bonds, debentures, convertible or non-convertible, and other negotiable or non-negotiable instruments and evidences of indebtedness, and to secure the payment thereof and of the interest thereon by mortgage on, or pledge, conveyance or assignment in trust of the whole or any part of the assets of the corporation, real, personal or mixed, including contract rights, whether at the time owned or thereafter acquired, and to sell, pledge or otherwise dispose of such securities or other obligations of the corporation for its corporate purposes, provided that in the event income debenture certificates are issued by the corporation, the owners thereof shall have the right to vote as they would have if they possessed certificates of stock of the amount and par value of the income debenture certificates held by them.

P) To enter into, make, perform and carry out contracts of every sort and kind, for any lawful purpose, with any person, firm, association or corporation, whether public, private or municipal or body politic, and with the Government of the United States or any state, territory or colony thereof, or any foreign government;

Q) To conduct business in all other states, the District of Columbia, the territories, possessions and dependencies of the United States and in any or all foreign countries, to have one or more offices out of the State of Missouri, and to hold, purchase, lease, let, mortgage and convey real and personal property out of said state as well as therein;

R) To do any and everything necessary or convenient for the accomplishment of any of the purposes or the attainment of any of the objects or the furtherance of any of the powers hereinabove enumerated, either for itself or as the agent for any person, firm or corporation, either alone or in association with other corporations, or with any firm or individual; to engage in any 'lawful business or operation deemed advantageous or desirable, and everything incidental to, growing out of, or germane to any of purposes or objects, and have and exercise all of the powers and rights conferred by the laws of the State of Missouri upon corporations formed under the Act hereinabove referred to, and all acts amendatory thereof and supplemental thereto, it being expressly provided that the foregoing clauses shall be construed both as objects and powers and shall be in furtherance and not in limitation of the powers conferred by the laws of the State of Missouri, and that the foregoing enumeration of specific powers shall not be held to alter or restrict in any manner the general powers of this corporation; and

S) The objects and purposes specified in the foregoing clauses of this Article Seven shall, except where otherwise expressed, be in no way limited or restricted by reference to or inference from the terms of any other clause of this or any other Article of these Articles of Incorporation, and shall be construed as powers as well as objects and purposes.

<u>ARTICLE EIGHT</u>

The Corporation is formed to serve a public purpose; that all real estate acquired by it and all structures erected by it are to be acquired for the purpose of promoting the public health, safety and welfare, and that the stockholders of the corporation shall when they subscribe to and receive the stock thereof, agree that the net earnings of the corporation shall be limited to an amount not to exceed eight percent per annum of the cost to such corporation of the redevelopment project including the cost of the land, or the balances of such cost as reduced by amortization payments; provided, that the net earnings derived from any redevelopment project shall in no event exceed a sum equal to eight percent per annum upon the entire cost thereof. Such net earnings shall be computed after deducting from gross earnings the following:

A) All costs and expenses of maintenance and operation;

B) Amounts paid for taxes, assessments, insurance premiums and other similar charges;

C) An annual amount sufficient to amortize the cost of the entire project at the end of the period, which shall not be more than sixty (60) years from the date of completion of the project. The development plan may contain provisions satisfactory to the legislative authority authorizing such plan that any surplus earnings in excess of the rate of net earnings provided in Chapter 353 may be held by the corporation as a reserve for maintenance of such rate of return in the future and may be used by the corporation to offset any deficiency in such rate of return which may have occurred in prior years; or may be used to accelerate, the amortization payments; or for the enlargement of the project; or for reduction in rentals therein; provided, that any excess of such surplus earnings remaining at the termination of the tax relief granted pursuant to Section 353.110 shall be turned over by the corporation to the city.

ARTICLE NINE

The power to make, alter, amend or repeal the bylaws of the corporation shall be vested in the Board of Directors.

ARTICLE TEN

The corporation is organized for the purpose of the clearance, re-planning, reconstruction or rehabilitation of blighted areas and the construction of such industrial, commercial, residential or public structures as may be appropriate, including provisions for recreational and other facilities incidental or appurtenant thereto.

ARTICLE ELEVEN

Any person, upon becoming the owner or holder of any shares of stock or other securities issued by this corporation, does thereby consent and agree that all rights, powers, privileges, obligations or restrictions pertaining to such person or such securities in any way may be altered, amended, restricted, enlarged or repealed by legislative enactments of the State of Missouri or of the United States hereinafter adopted which have references to or affect corporations, such securities, or such persons in any way; and that the corporation reserves the right to transact any business of the corporation, to alter, amend or repeal these Articles of Incorporation, or to do any other act or thing as authorized, permitted or allowed by such legislative enactments.

ARTICLE TWELVE

The private property of the shareholders of the corporation shall not be subject to the payment of corporate debts, except to the extent of any unpaid balance of subscriptions for shares.

ARTICLE THIRTEEN

A) This Corporation shall and does hereby indemnify any person who is or was a director or officer of the Corporation or any subsidiary against any and all expenses (including attorneys' fees), judgments, fines and amounts paid in settlement incurred by such person in connection with any civil, criminal, administrative or investigative action, suit, proceeding or claim (including an action by or in the right of the Corporation or a Subsidiary) by reason of the fact that such person is or was serving in such capacity; provided, however, that no such person shall be entitled to any indemnification pursuant to this subsection (a) on account of:

   i) conduct which is finally adjudged to have been knowingly fraudulent, deliberately dishonest or willful misconduct; or

   ii) an accounting for profits pursuant to Section 16(b) of the Securities Exchange Act of 1934, as amended from time to time, or pursuant to a successor statute or regulation;

B) This Corporation may, to the extent that the Board of Directors deem appropriate and as set forth in a by-law or resolution, indemnify any person who is or was an employee or agent of this

Corporation or any Subsidiary or who is or was serving at the request of the Corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise (including an employee benefit plan) against any and all expenses (including attorneys' fees), judgments, fines and amounts paid in settlement incurred by such person in connection with any civil, criminal, administrative or investigative action, suit, proceedings or claim (including an action by or in the right of the Corporation or a Subsidiary) by reason of the fact that such person is or was serving in such capacity; provided, however, that no such person shall be entitled to any indemnification pursuant to this subsection (b) on account of:

i) conduct which is finally adjudged to have been knowingly fraudulent, deliberately dishonest or willful misconduct; or

ii) an accounting for profits pursuant to Section 16(b) of the Securities Exchange Act of 1934, as amended from time to time, or pursuant to a successor statute or regulation;

C) This Corporation may, to the extent that the Board of Directors deem appropriate, make advances of expenses, including attorneys' fees, incurred prior to the final disposition of a civil, criminal, administrative or investigative action, suit, proceeding or claim (including an action by or in the right of the Corporation or a Subsidiary) to any person to whom indemnification is or may be available under this Article Thirteen; provided, however, that prior to making any advances, the Corporation shall receive a written undertaking by or on behalf of such person to repay such amounts advanced in the event that it shall be ultimately determined that such person is not entitled to such indemnification;

D) The indemnification and other rights provided by this Article Thirteen shall not be deemed exclusive of any other rights to which a person to whom indemnification is or may be otherwise available under these Articles of Incorporation, the By-laws or any agreement, vote of shareholders or disinterested directors or otherwise. This Corporation is authorized to purchase and maintain insurance on behalf of the Corporation or any person to whom indemnification is or may be available against any liability asserted against such person in, or arising out of, such person's status as director, officer, employee or agent of this Corporation, any of its Subsidiaries or another corporation, partnership, joint venture, trust or other enterprise (including an employee benefit plan) which such person is serving at the request of the Corporation;

E) Each person to whom identification is granted under subsection (a) of this Article Thirteen is entitled to rely upon the indemnification and other rights granted hereby as a contract with this Corporation and such person and such person's heirs, executors, administrator and estate shall be entitled to enforce against this Corporation all indemnification and other rights granted to such person by subsections (a) and (c) and this subsection (e) of this Article Thirteen. The indemnification and other rights granted by subsections (a) and (c) and this subsection (e) of this Article Thirteen shall survive amendment, modification or repeal of this Article, and no such amendment, modification or repeal shall act to reduce, terminate or otherwise adversely affect the rights to indemnification granted hereby, with respect to any expenses, judgments, fines and amounts paid in settlement incurred by a person to whom indemnification is granted under subsection (a) of this Article Thirteen with respect to an action, suit, proceedings or claim that arises out of acts or omissions of such person that occurred prior to the effective date of such amendment, modification or repeal;

F) Any indemnification granted by the Board of Directors pursuant to subsection (b) of this Article Thirteen, shall inure to the person to whom the indemnification is granted, and such person's heirs, executors, administrator and estate; provided, however, that such indemnification may be changed, modified or repealed, at any time or from time to time, in the discretion of the Board of Directors and the survival of such indemnification shall be in accordance with terms determined by the Board of Directors; and

G) For the purposes of this Article Thirteen, “Subsidiary” shall mean any corporation, partnership, joint venture, trust or other enterprise of which a majority of the equity or ownership interest is directly or indirectly owned by this Corporation.

IN WITNESS WHEREOF, we have hereunto set our hands, this ______ day of _______________, 2023.

Sign: ____

STATE OF MISSOURI)
) ss:
COUNTY OF JASPER)

I, _________________________, a Notary Public, do hereby certify that on the ____ day of ________________, 2023, personally appeared ____________________, who, being by me duly sworn, declared he signed the foregoing document as a Subscriber, and that the statements therein contained are true.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

____
Notary Public

My Commission expires:

____

Sign: ____

STATE OF MISSOURI)
) ss:
COUNTY OF JASPER)

I, ________________________, a Notary Public, do hereby certify that on the ____ day of ________________, 2023, personally appeared ____________________, who, being by me duly sworn, declared he signed the foregoing document as a Subscriber, and that the statements therein contained are true.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

____
Notary Public

My Commission expires:

____

Sign: ____

STATE OF MISSOURI)
) ss:
COUNTY OF JASPER)

I, ________________________, a Notary Public, do hereby certify that on the ____ day of ________________, 2023, personally appeared ____________________, who, being by me duly sworn, declared he signed the foregoing document as a Subscriber, and that the statements therein contained are true.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

____
Notary Public

My Commission expires:

____

Sign: ____

STATE OF MISSOURI)
) ss:
COUNTY OF JASPER)

I, _______________________, a Notary Public, do hereby certify that on the ____ day of _______________, 2023, personally appeared ___________________, who, being by me duly sworn, declared he signed the foregoing document as a Subscriber, and that the statements therein contained are true.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

____
Notary Public

My Commission expires:

____

Sign: ____

STATE OF MISSOURI)
) ss:
COUNTY OF JASPER)

I, ________________________, a Notary Public, do hereby certify that on the ____ day of ________________, 2023, personally appeared ____________________, who, being by me duly sworn, declared he signed the foregoing document as a Subscriber, and that the statements therein contained are true.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

____
Notary Public

My Commission expires:

____

COUNCIL BILL NO. __________ ORDINANCE NO. ______________

An Ordinance to add Chapter 17 Article 5; Urban Development and Establish the Carthage Redevelopment Corporation in the City of Carthage, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARTHAGE, JASPER COUNTY, MISSOURI as follows:

SECTION I: The Mayor Shall establish the Carthage Redevelopment Corporation, Inc in accordance with Chapter 353 RSMo. A copy of the proposed Articles of Agreement are attached as Exhibit A.

SECTION II: Chapter 17 Article V: URBAN DEVELOPMENT shall read as follows:

Sec. 17-353 Definitions.

As defined in Chapter 353 , RSMo.

Sec. 17-354. Enabling act.

The provisions of the Urban Redevelopment Corporations Law shall apply to all persons and corporations operating in the city under this chapter insofar as the same may be applicable thereto.

Sec. 17-355. Declaration of policy.

Chapter 353, RSMo, encourages the redevelopment of blighted areas through the abatement of real property taxes. To be eligible for tax abatement, either the City or a private entity must form an Urban Redevelopment Corporation (URC) pursuant to the Urban Redevelopment Corporations Law. In order to establish an URC, articles of association must be prepared in accordance with the general corporation's law of Missouri.

Chapter 353 authorizes tax abatement on real property taxes for a period up to 25 years. For up to the first 10 years, the statute provides for 100% abatement on the increased assessed value of the improvements on the property (excluding land). For a period of up to an additional 15 years, Chapter 353 allows for abatement of 50% to 100% on the actual assessed value of the property (land and improvements). Payments in lieu of taxes may be required by the City to reduce the amount of the abatement authorized by statute and to ensure no loss of existing property tax revenues by taxing jurisdictions such as the City and school district. Tax abatement is not available for personal property taxes on equipment or machinery

Sec. 17-356 Eligibility.

E**ligible Areas:** "Blighted areas" in Missouri. For purpose of 353 tax abasement the term "blighted area" is defined as: "an area which, by reason of the predominance of insanitary or unsafe conditions, deterioration of site improvements, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, or welfare in its present condition and use."

Eligible Applicants: Tax abatement is only available to for-profit "Urban Redevelopment Corporations" organized pursuant to the Urban Redevelopment Corporations Law. The articles of association of Urban Redevelopment Corporations must be prepared in accordance with the general corporations laws of Missouri and must contain certain items set forth in Section 353.030, RSMo. of the Urban Redevelopment Corporations Law. There are also special requirements for life insurance companies operating as Urban Redevelopment Corporations. 353.040, RSMo.

Eligibility Criteria: Tax abatement under the Urban Redevelopment Corporations Law is only extended to real property that has been found to be a "blighted area" by the city. For purpose of 353 tax abatement the term "blighted area" is defined as:

353.020 (2), RSMo.

Real property may be property found to be blighted even though it contains improvements, which by themselves do not constitute blight. *(Maryland Plaza Redevelopment Corporation v. Greenberg, 594S.W.2d 284 (1979).)*

Tax abatement may also be extended to a tract of real property, which by itself does not meet the definition of a blighted area if such tract is necessary to the redevelopment project and the area on the whole constitutes a blighted area. *(Parking systems, Inc. v. Kansas City Downtown Redevelopment Corporation, 518 S.W.2d 1191974)*.

Sec. 17-357. Statutory Requirements.

The City must determine that certain requirements have been met before approving a development plan ("353 Plan") filed by the Urban Redevelopment Corporation (URC). These requirements are set forth under 353.020 to 353.150 of the Revised Statutes for the State of Missouri (RSMo).

The following criteria are the minimum standards or thresholds that must be met to qualify for potential

benefits under RSMO chapter 353.

1. The project shall occur within an incorporated portion of the City

2. The project must occur on property that is deemed blighted by the City.

3. If the project involves a building(s) deemed historical or contributing to a historic district, the project

shall restore the property in a manner faithful to its historical context. Historical determination is based on inputs and recommendations of the Carthage Planning and Historic Preservation Commission and subject to approval by the City.

4. The project shall include a minimum level of improvements to the real property (not including inventory, personal property, etc.) and defined as a percentage of the appraised value prior to the

start of the project:

a. If involving an existing structure(s), the project must show a minimum investment in improvements to the real property greater than 50%

b. If the project involves new construction, the project must show an investment in improvements to the real property greater than 200%

5. The project shall result in the creation of a minimum number of new jobs or new living units based
on the type of project:

a. If a commercial project, at least 3 jobs must be created.

b. If an industrial project, at least 6 jobs must be created.

c. If a residential project, at least 4 new living units must be created.

Sec. 17-358. Guidance and Polices.

1. Abatements will be structured to apply to the improvements only. Abatements on the base real
estate property tax will not be allowed. If the property was not taxable prior to the project, the pre-project assessed value will be established as the base.
2. The City may approve RSMO 353 tax abatements for up to 25 years to encourage redevelopment in
blighted areas. During the first 10 years, up to 100% of the incremental increase in real property
taxes can be abated. For the next 15 years, up to 50% of the incremental increase in real property
taxes can be abated.
    a. The duration of abatements may be shorter than the maximum allowed by law. Criteria for
    making this determination shall be based on such factors as the magnitude and potential
    impact of the project as well as the extent the project meets or exceeds the original qualification criteria.
    b. Payment in lieu of taxes ("PILOT") may be imposed on the project by contract to achieve an

effective tax abatement that is less than the abatement established by state law. PILOTs are paid on an annual basis to replace all or part of the abated real estate taxes. PILOTs will be allocated to each taxing entity according to their proportionate share of ad valorem taxes.

3. Abatements should not be authorized unless a public benefit results and the abatement can reasonably be expected to reduce or eliminate blight in the area.
4. It is vitally important to seek support from the Jasper County Commission and the Sarcoxie School District for 353 tax abatements on a project by project basis.
5. The City is not required to approve any project or extend any benefits and incentives to any plan and reserves the right to deviate from the literal interpretation and application of these policies.
6. Projects granted tax abatements may be required to submit to an annual review, if requested by the City, to ensure that ownership and other qualifying criteria continue to be adequately satisfied.

Sec. 17-358. Submission of Proposed Development Plans.

1. **Formal Letter of Intent**: Any commercial, residential or industrial prospect can submit a Letter of Intent to apply for 353 tax benefits resulting from a proposed investment in a "blighted" area. This should be sent to the attention of the City Clerk or to the contact established in the initial inquiry. At a minimum the letter of intent should include:
    a. Applicant information including name, address, contact phone and email address.
        i. If the applicant is a corporation, provide the corporate headquarter location and a designated representative's contact information.
        ii. If the applicant is a partnership, include information for each member and designate one person to be the primary contact.
    b. Property information including the location, current use, applicant's reason for belief the property is blighted, as well as the current ownership status of the property.
    c. Project proposal including a plan for development of the property, a tentative project timeline and budget, current and proposed photos and designs of the property, and the type of development (residential or commercial).

i. If a residential project, provide information such as a proposed rent schedule, the number of units involved, and whether the units are to be occupied by elderly, low income families, market-rate rentals or condominiums.
ii. If a commercial or retail project, describe the estimated number of post construction jobs this will generate, whether they are full or part time, and the estimated average hourly rate

d. Additional information if the project will result in an existing business or facility to relocate, and why the relocation will benefit the city.

2. **<u>Initial Review</u>**: Upon receipt of a letter of intent, the Mayor and other City representatives will review the proposed project

   a. Whether the preliminary information provided in the letter of intent appears to meet or exceed the Redevelopment Criteria, and

   b. If the applicant has made a compelling argument for the property's proposed blighted status, then

   c. If the proposed project and location are deemed as potentially qualifying, a City representative will be assigned to assist with:

      i. Preparing a digital and hard copy project folder that includes the letter of intent content and all future information obtained for the project.

      ii. Arrange a meeting with the applicant to review the letter of intent and review the requirements of the formal application.

      iii. Provide written notification to the Jasper County Commission, the Sarcoxie School District, the Carthage Redevelopment Corporation and City of a proposed project that appears to meet the minimum criteria, the estimated investment, type of project, and the number of proposed jobs or residential units.

3. **<u>Formal Application</u>**: For the formal application, a City representative will provide some assistance to the applicant in collecting additional required information for submission to the SRC. The goal is to provide enough information to clearly establish the developer's final intent. This includes:

   a. Information provided in the original letter of intent (enhanced or improved as needed).

   b. Any drawings of renovation plans, plot plans, parking, etc.

   c. A legal description of the property.

   d. If an existing structure(s) is involved, secure a written opinion from the Sarcoxie Historic Committee as to whether or not any structure(s) at the site are deemed potentially historical or contributing to a historic district.

      i. This written opinion should be directed to the City who will make the final determination.

      ii. If deemed historical, the project will be required to restore the property in a manner faithful to its historical context as a condition for consideration.

   e. The current property taxes on the property.

i. If the property is not currently taxed (i.e. city or NFP owned), include an appraisal or contract to purchase that can establish the value of the property and potential property taxes that will be generated in its present state.

f. The estimated appraised value of the property once the project is completed. If the project will be completed in phases, include a timeline of the project including major milestones throughout the construction and development of the property.

Sec. 17-359. Carthage Development Corporation Review.

The formal application will be submitted to the SRC for revue and evaluation. The SRC is expected to make
the following determinations and then meet with the Mayor and City Representative to review their findings:

1. If the project property is located within the city limits.
2. If the CRC concurs with applicant's belief the property is either blighted or located in a blighted area.
3. If the proposed project meets the goals and requirements of the CRC.
4. Determine the value of the investment if the project proceeds.
5. Recommend a 353 tax abatement schedule with respect to abatement levels and schedule.

Sec. 17-360. Council hearing and determination.

1. If it is determined the application meets the goals and policies of the CRC and the City, a public hearing before the City Council shall be set.
    a. A notice of hearing shall be advertised in the newspaper of local circulation not more than 21 days and not less than 7 before the hearing or in accordance with the most current state notification law.
    b. A letter will be sent to all taxing entities whose boundaries include any portion of the proposed development property,
    c. All notices must include:
        i. the date, time and place of the hearing
        ii. that comments will be invited.
        iii. a written statement of the impact on ad valorem taxes such tax abatement will have on the political subdivisions (a "tax impact statement"). The tax impact statement must include, at a minimum, an estimate of the amount of ad valorem tax revenues of each political subdivision that will be affected by the proposed tax abatement
2. At the public hearing any interested person and the applicant corporation may be hear. After the public hearing the council may:
    a. Unconditionally approve the plan and authorize the mayor on behalf of the city to enter into a redevelopment agreement with the corporation.
    b. Approve the plan subject to conditions or restrictions and authorize the mayor on behalf of the city to enter into a redevelopment agreement with the corporation.

    c. Require the corporation to make changes in the plan for resubmission to the council.
    d. Disapprove the plan.
3. If the plan is approved, the council may adopt the plan by ordinance which may also incorporate the redevelopment agreement between the city and the corporation regarding the implementation of the plan.
4. Sec. 17-361. Post Hearing.
1. After the public hearing, the municipality may approve a development plan by ordinance. No tax abatement available under a development plan will be permitted until
    a. the developer enters into a redevelopment agreement with the municipality describing the terms and conditions of the abatement and
    b. title to the property at issue passes to the CRC so deed restrictions can be applied binding the property and development to the terms of the development plan before deeding it back to the developer.Sec. 17-362. Amendment of plan.

If the city council approves a development plan, that plan shall not thereafter be amended without the consent of the corporation which proposed the approved plan.

Sec. 17-363. Fees.

A corporation which applies for approval of a development plan may be charged a reasonable fee for consideration of the development plan, which fee, as provided in the city fee schedule, shall not exceed $500.00

Sec. 17-364. Federal grants and loans.

The city or any person or corporation may accept grants or loans of money from the federal government or any department or agency thereof, to effectuate the purposes of this chapter. The city may cooperate with any corporation whose development plan has been approved in applying for and obtaining any grants or loans which further the objectives and implementation of the plan

SECTION II: This Ordinance shall take effect and be in force from and after its passage and approval.

PASSED AND APPROVED THIS ____ DAY OF ______________________, 2022.

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MAYOR

ATTEST:

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CITY CLERK

Sponsored by: