



OHIO
ECONOMIC
DEVELOPMENT
ASSOCIATION

2020 Virtual Annual Summit

Private Incentives Practitioners' Roundtable – Outsiders' Perspectives on Best and Worst Practices for Public Economic Development Practitioners

Virginia D. Benjamin, Senior Counsel, Calfee, Halter & Griswold LLP

Price D. Finley, Partner, Bricker & Eckler LLP

Scott J. Ziance, Partner, Vorys, Sater, Seymour and Pease LLP



Best Practices – Not Focused on Development

Best Practices – Not Focused on Development

- Responsiveness/timeliness

I WANT IT:

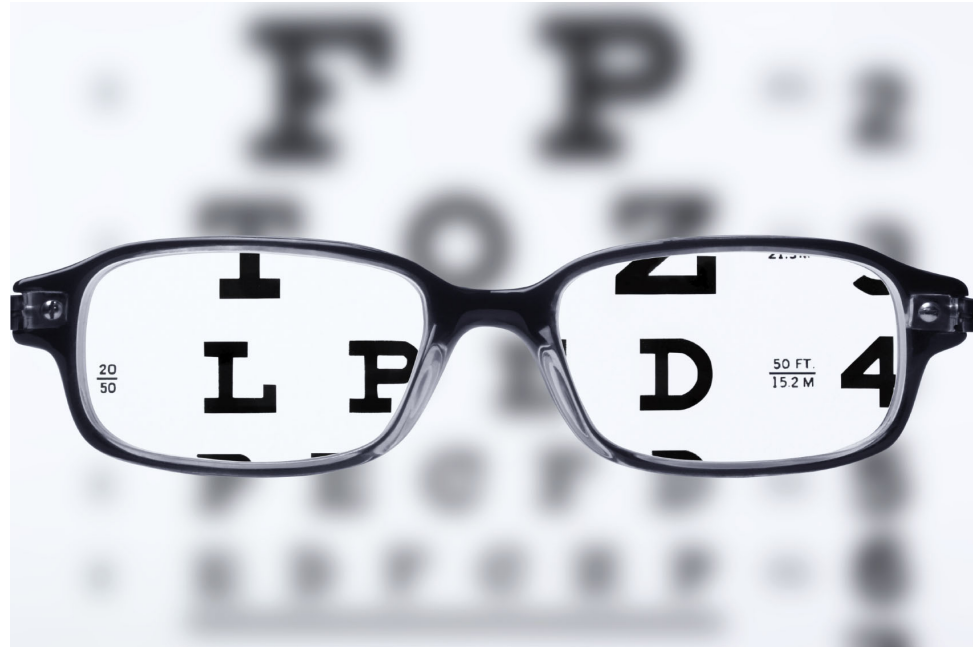
LATER ○

NOW ○



Best Practices – Not Focused on Development

- Responsiveness/timeliness
- Clarity



Best Practices – Not Focused on Development

- Responsiveness/timeliness
- Clarity
- One voice



Best Practices – Not Focused on Development

- Responsiveness/timeliness
- Clarity
- One voice
- Reliability/keeping commitments



Best Practices – Not Focused on Development

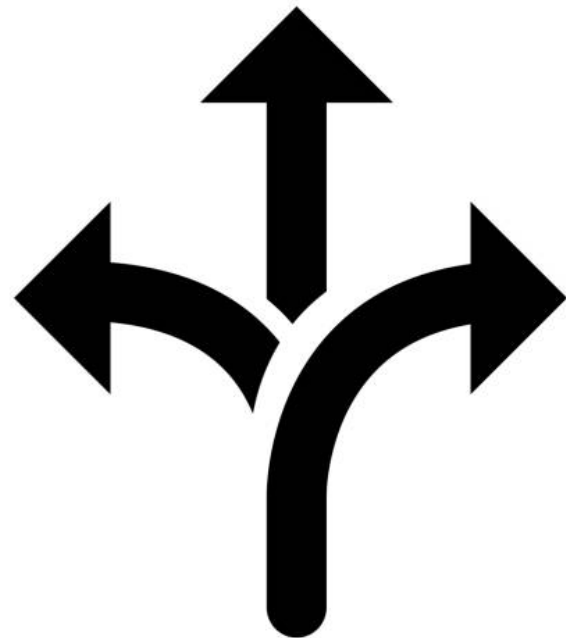
- Responsiveness/timeliness
- Clarity
- One voice
- Reliability/keeping commitments
- Document key items in writing

Put it in writing



Best Practices – Not Focused on Development

- Responsiveness/timeliness
- Clarity
- One voice
- Reliability/keeping commitments
- Document key items in writing
- Open-mindedness/flexibility



Best Practices – Not Focused on Development

- Responsiveness/timeliness
- Clarity
- One voice
- Reliability/keeping commitments
- Document key items in writing
- Open-mindedness/flexibility
- Sportsmanship



Best Practices – Development-Focused

Best Practices – Development-Focused

- Understand the business' needs (and communicate your needs)



Best Practices – Development-Focused

- Understand the business' needs (and communicate your needs)
- Know your sites



Best Practices – Development-Focused

- Understand the business' needs (and communicate your needs)
- Know your sites
- Play to your strengths



Best Practices – Development-Focused

- Understand the business' needs (and communicate your needs)
- Know your sites
- Play to your strengths
- Hire good lawyers (which can be internal) and engage them early



Best Practices – Development-Focused

- Understand the business' needs (and communicate your needs)
- Know your sites
- Play to your strengths
- Hire good lawyers (which can be internal) and engage them early
- Clear, concise communication of conditions for incentives



Best Practices – Development-Focused

- Understand the business' needs (and communicate your needs)
- Know your sites
- Play to your strengths
- Hire good lawyers (which can be internal) and engage them early
- Clear, concise communication of conditions for incentives
- Don't offer the alphabet soup of incentives when one program will do the trick



Best Practices – Development-Focused

- Understand the business' needs (and communicate your needs)
- Know your sites
- Play to your strengths
- Hire good lawyers (which can be internal) and engage them early
- Clear, concise communication of conditions for incentives
- Don't offer the alphabet soup of incentives when one program will do the trick
- Ensure availability of shovel-ready sites
 - Zoning
 - Infrastructure
 - Environmental
 - Cooperative owner



Case Study #1 – American Greetings HQ/Crocker Park Expansion

- Reliability/keeping commitments
- Understanding needs
- Playing to strengths
- Documentation
- Good lawyers
- Sportsmanship



Case Study #2 - Pinecrest Development Orange Village, Ohio



Multiple Jurisdictions

- Municipality
- School District covering multiple municipalities
- Port Authority
- County (tax lien sale agreement)



Purchase of Homes – Buffers and Homeowner Objections

- Sound barriers
- Odor abatement
- Height restrictions
- Mound



Construction Manager At-Risk Role of Developer; Developer as Manager of the Public Infrastructure

- Development Agreement
 - Safety forces mini station at no cost to Village
 - Concerns from other local merchants – requirement that, for 5 years after 75% complete, at least a 65% had to be leased by business establishments that did not have an existing business location within a 20 mile driving distance

Construction Manager At-Risk Role of Developer; Developer as Manager of the Public Infrastructure (cont'd)

- School agreement
 - Settlement of outstanding valuation issues
 - 25% of what they would have received
 - 100% of new voted tax levies
 - Share of income tax revenues until \$3 million received

True “partnership” – Each party has a stake in the success of the project.

Upper Arlington – Lane Ave. Redevelopment

- Tightly-crafted Development Agreement
- Developer held to development plan, with “teeth”
- Willingness to be innovative with debt structure – take on and manage risk
- Understanding needs
- Playing to strengths
- Documentation
- Good lawyers



Additional Examples (Time Permitting)

- Sportsmanship – runners up and future success
- Good lawyers and responsiveness
- Listening to needs
- Flexibility
- Others

Thank You!



Virginia D. Benjamin
Senior Counsel
Calfee, Halter & Griswold LLP
vbenjamin@calfee.com



Price Finley
Partner
Bricker & Eckler LLP
pfinley@bricker.com



Scott Ziance
Partner
Vorys, Sater, Seymour & Pease LLP
sjziance@vorys.com

