



Legislation Text

File #: 1377-2019, **Version:** 1

BACKGROUND: The City of Columbus (“CITY”) entered into a Jobs Growth Incentive Agreement (hereinafter “AGREEMENT”) with Valhalla Holdings, Inc., Woda Constructions, Inc., Valhalla Personnel, Inc. & The Woda Group, Inc., (together “GRANTEE”) effective December 11, 2017. Columbus City Council approved the AGREEMENT by Ordinance Number 2253-2017, adopted September 18, 2017, and granted a financial incentive based on an amount equal to (i) twenty-five percent (25%) of the City of Columbus income tax withheld on the Columbus payroll of New Employees at the Project Site and (ii) thirty percent (30%) of the City of Columbus income tax withheld on the Columbus payroll of those New Employees at the Project Site who are also City of Columbus residents at the end of each calendar year, to commence on January 1, 2018 and for five (5) consecutive years thereafter based on an investment of approximately \$2.5 million in building improvements and furniture & fixtures related to the consolidation, relocation and corporate headquarters expansion by combining offices in Westerville and Columbus into approximately 26,000 square feet of vacant commercial office space, the retention of 60 full-time positions and the creation of 100 new permanent full-time positions with an estimated annual payroll of \$5.15 million at the PROJECT SITE, 500 South Front Street, Columbus, OH 43215.

In a letter received by the CITY dated April 12, 2019, the CITY was advised that “between the time of execution of the Agreement and the time of the first reporting year, 2018, the following entity name changes occurred: Valhalla Holdings, Inc. was changed to Woda Cooper Companies, Inc.; and Valhalla Personnel, Inc. was changed to Woda Cooper Personnel, Inc.” and that “the following entity names will remain the same: Woda Construction, Inc. and The Woda Group, Inc.” with the letter also requesting to “amend the Agreement to correctly reflect the above named entity changes for the Grantees per the Agreement.”

Additionally, Columbus City Council, by Ordinance No. 3221-2018, passed March 13, 2019, authorized the Director of Development to establish a fee schedule that supports the Department’s administrative and project costs associated with administering Department programs with one of those fees being an Amendment Fee.

This legislation is requested to be considered as an emergency in order to (i) revise the names of Valhalla Holdings, Inc. and Valhalla Personnel, Inc. to Woda Cooper Companies, Inc. and to Woda Cooper Personnel, Inc. respectively as corrected GRANTEES to the AGREEMENT and (ii) that language will be added to the agreement stating that any requested future amendment or modification to any of the terms of this AGREEMENT made to the CITY by the GRANTEE shall require the payment to the CITY by the GRANTEE of an AMENDMENT FEE in the amount of \$250 so that there will be no delay in processing the Jobs Growth Incentive payment for Report Year 2018 during the 2019 payment cycle which is currently underway.

FISCAL IMPACT: No funding is required for this legislation.

To authorize the Director of Development to amend a Jobs Growth Incentive Agreement to: (i) revise the names of Valhalla Holdings, Inc. and Valhalla Personnel, Inc. to Woda Cooper Companies, Inc. and to Woda Cooper Personnel, Inc., respectively, as corrected grantees, and (ii) to provide that any requested future amendment to any of the terms of the Agreement shall require the payment of fee to the City; and to declare an emergency.

WHEREAS, Columbus City Council approved a Jobs Growth Incentive Agreement (the “AGREEMENT”) with Valhalla Holdings, Inc., Woda Constructions, Inc., Valhalla Personnel, Inc. & The Woda Group, Inc. (also referred to as the “GRANTEE”) by Ordinance Number 2253-2017 on September 18, 2017 with the AGREEMENT having been made and entered into effective December 11, 2017; and

WHEREAS, the AGREEMENT granted a financial incentive based on an amount equal to (i) twenty-five percent (25%) of the City of Columbus income tax withheld on the Columbus payroll of New Employees at the Project Site and (ii) thirty percent (30%) of the City of Columbus income tax withheld on the Columbus payroll of those New Employees at the Project Site who are also City of Columbus residents at the end of each calendar year, to commence on January 1, 2018 and for five (5) consecutive years thereafter; and

WHEREAS, in the AGREEMENT, GRANTEE committed to investing approximately \$2.5 million in building improvements and furniture & fixtures related to the consolidation, relocation and corporate headquarters expansion by combining offices in Westerville and Columbus into approximately 26,000 square feet of vacant commercial office space, the retention of 60 full-time positions and the creation of 100 new permanent full-time positions with an estimated annual payroll of \$5.15 million at the PROJECT SITE, 500 South Front Street, Columbus, OH 43215; and

WHEREAS, in a letter received by the CITY dated April 12, 2019, the CITY was advised that “between the time of execution of the Agreement and the time of the first reporting year, 2018, the following entity name changes occurred: Valhalla Holdings, Inc. was changed to Woda Cooper Companies, Inc.; and Valhalla Personnel, Inc. was changed to Woda Cooper Personnel, Inc.” and that “the following entity names will remain the same: Woda Construction, Inc. and The Woda Group, Inc.” with the letter also requesting to “amend the Agreement to correctly reflect the above named entity changes for the Grantees per the Agreement;” and

WHEREAS, Columbus City Council, by Ordinance No. 3221-2018, passed March 13, 2019, authorized the Director of Development to establish a fee schedule that supports the Department’s administrative and project costs associated with administering Department programs with one of those fees being an Amendment Fee; and

WHEREAS, an emergency exists in the usual daily operation of the Columbus Department of Development in that it is immediately necessary to seek an amendment to the Jobs Growth Incentive Agreement with Valhalla Holdings, Inc., Woda Constructions, Inc., Valhalla Personnel, Inc. & The Woda Group, Inc. to (i) revise the names of Valhalla Holdings, Inc. and Valhalla Personnel, Inc. to Woda Cooper Companies, Inc. and to Woda Cooper Personnel, Inc. respectively as corrected GRANTEES to the AGREEMENT and (ii) that language be added to the agreement stating that any requested future amendment or modification to any of the terms of this AGREEMENT made to the CITY by the GRANTEE shall require the payment to the CITY by the GRANTEE of an AMENDMENT FEE in the amount of \$250; thereby preserving the public health, peace, property and safety; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Development is hereby authorized to amend the Agreement as provided herein.

SECTION 2. That the name of current GRANTEE Valhalla Holdings, Inc. be revised to be Woda Cooper Companies, INC. as a GRANTEE to the AGREEMENT.

SECTION 3. That the name of current GRANTEE Valhalla Personnel, Inc. be revised to be Woda Cooper Personnel, Inc. as a GRANTEE to the AGREEMENT.

SECTION 4. That the entirety of the current Section 13 (D) of the AGREEMENT be removed and replaced with the following new Section 13 (D):

No amendment or modification shall be effective unless in writing and signed by all parties to this agreement. Any requested amendment or modification to any of the terms of this AGREEMENT made to the CITY by the GRANTEE shall require the payment to the CITY by the GRANTEE of an AMENDMENT FEE in the amount of \$250.

SECTION 5. That the amendment to the City of Columbus Jobs Growth Incentive Agreement be signed by Woda Cooper Companies Inc., Woda Construction, Inc., Woda Cooper Personnel, Inc. & The Woda Group, Inc. within ninety (90) days of passage of this ordinance, or this ordinance and the incentive authorized herein shall be null and void.

SECTION 6. That for reasons stated in the preamble hereto, which is hereby made a part hereof, the ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after the passage if the Mayor neither approves nor vetoes the same.