

VILLAGE OF COMMERCIAL POINT  
COMMITTEE OF THE WHOLE MINUTES

May 20, 2013

Ms. Good-Kinney called the meeting to order. Fiscal Officer Hastings took roll call with the following members present: Ms. Evans, Mr. Shelton, Mr. Cruz, Ms. Gooden-Kinney and Mr. Thompson. Mayor Hammond and Engineer Grosse were also present. Mr. Wissinger and Solicitor Hess were absent.

Mr. Shelton made a motion seconded by Ms. Evans to approve the April 22, 2013 COW Minutes. All members were in favor with the exception of Mr. Cruz, who abstained. The motion passed.

There was no solicitor report.

Mayor Hammond reported that the signs had been ordered. Mayor Hammond, Chief Jordan, Village Administrator Shelton and Engineer Grosse discussed which signs needed to be ordered. Stop signs, children at play signs, and speed limit signs were ordered and will be placed in the Chestnut Estates and Walker Point subdivisions.

Engineer Grosse informed Council that the paving project had been finished. West Scioto St., Grove Run Road, First Street and the triangle in front of the post office have all been paved. Mr. Shelton asked about the Bellshazzer side of the triangle. Engineer Grosse said they had talked about curbing that side however striping will be completed for now. A 6 inch curb was placed along Front Street. Mr. Shelton feels the striping will hopefully help with parking. He also said the project looks great. Engineer Grosse said the parking blocks will be in tomorrow. On May 28, 2013 the sidewalk project is to start. The project came in under budget. Engineer Grosse would like to put together a striping project to include sidewalks, stop bars, and moving the stop sign at the intersection of Bellshazzer and Assyrian Streets, in front of the post office. He will get prices to Council. At this time Mr. Cruz asked Engineer Grosse or Mayor Hammond for an update on the quotes for the fence on the Walker Point walk path. Engineer Grosse said he was quoted a price of \$20-\$25 per foot. Engineer Grosse wants to make sure we do not set a precedence as we move ahead with more walk paths and sidewalks throughout the village. Village Administrator Shelton said the Walker Point HOA deed restrictions do not allow a fence behind or in front of the back of the house. She asked Engineer Grosse if we need to check with the HOA first before we even get a quote on this fence. Mr. Thompson said you have to have a permit to build anything and questioned whether a permit was granted for the walk path at Walker Point.

Ms. Gooden Kenny reminded everyone that there would be a JEDD Public Hearing meeting on June 3, 2013 at 7 PM. The public will be welcome to speak. At this time, Mr. Thompson said he would like to hear what the citizens had to say during the meeting this evening. Ms. Gooden Kenny said no due to the fact that there was no solicitor at our meeting. She also said there would be no answers given at this time. Mr. Thompson said out of due respect he would ask to let the citizens speak.

At this time Mr. Stephen Young, legal counsel for Ohio Department of Rehabilitation and Correction, making up the Corrections Training Academy and Corrections Reception Center spoke to Council. Mr. Young asked if the date could be changed of the public hearing due to conflict with Grove City's public hearing. Ms. Gooden-Kinney said the meeting could not be changed. Mr. Young continued and I quote,"

*I would like to legally analyze that the JEDD contract between the Scioto Township, City of Grove City, and the Village of Commercial Point (the contracting parties) violates the Ohio revised code (“ORC”) chapter 715 providing for the creation of a JEDD.*

*First and most importantly, a JEDD contract is created for the purpose of facilitating economic development to create or preserve jobs and employment opportunities and to improve the economic welfare of the people in this state and in the area of the contracting parties, set forth in (ORC 715.72(C)). In regard to the JEDD contract question, the said purpose is clearly not met by the contracting parties setting aside a 1 acre commercial district out of 1,318 acres of JEDD territory which cannot be similarly zoned. The obvious purpose is to create a tax district with these revenues, probably earmarked for the Scioto Township Fire Department as especially emphasized by the Village of Commercial Point Village report dated April 12, 2013 by Mayor Hammond where he says he wants to use the funds to fully staff a Fire Department.*

*Second problem with the statutory scheme is that the electors shall not reside within the JEDD territory pursuant to ORC 715.73 and 715.77. Here there are at least six electors residing in state housing within the JEDD territory.*

*Third, each party must adopt an ordinance or resolution then the contracting parties shall jointly file with both the Pickaway and Franklin County Commissioners a petition that is signed by a majority of the owners of property located within the JEDD as pursuant to ORC 715.70. Here as the Village and Township as petitioners make up the majority, the DRC is the only other property owner. Therefore an action of the contracting parties, signing the petition as two land owners, creates a conflict of interest. The statute doesn’t contemplate that the petitioners should also be the majority land owner. Therefore, the statutory intent is violated. If the contracting parties do not file all the statutorily required documents, then the County Commissioners may adopt a resolution disapproving the creation of the JEDD. Here the petition is not properly signed, therefore the Commissioners should disapprove the JEDD.*

*Fourth, I understand that the Scioto Township Trustees have decided to not submit its resolution approving the JEDD contract to the electors of the Township, however a vote of the electors is required if any of the following conditions are not met pursuant to 715.77 of the ORC.*

*The JEDD must be proposed at the request of a majority of the land owners included within the district. As I previously stated the Village and Township make up the majority of the three landowners which conflicts with the intent of the JEDD statutes, which clearly contemplates that you are not acting in contrary to land owners, private citizens, businesses, etc. People would be affected, not the government entities who are trying to put forth the JEDD.*

*Also the JEDD territory must be zoned in a manner appropriate to the function of the proposed district. Here we have a JEDD making up 1,318 acres. The function is not met by a 1 acre commercial district, which is owned by Scioto Township, being used as the only economically potentially developed land out of the 1,318 acres.”*

At this time Ms. Gooden-Kinney interrupted and asked if Mr. Young had copies of his findings for Council. Mr. Young said no and that he was just trying to give Council an understanding and will be attending the public hearing. He is just trying to give a basic understanding that the statutory scheme is

not being followed. That is the point he is trying to make in regard to the Township Trustees taking the leadership role passing a resolution. Ms. Gooden-Kinney said she didn't understand and it was all garbage to her. She apologized and said she didn't mean to be rude but she had heard enough. Mr. Thompson said he would like to hear the closing thoughts. Ms. Gooden Kinney said no she was finished listening and said that there was no solicitor at our meeting to help her understand. She again asked for copies to be able to follow along. A gentleman in the audience asked Ms. Gooden-Kinney if she would listen to a resident that this is going to affect. Mr. Shelton asked how many residents were in the audience that this would affect. The answer was one.

*At this time Mr. Steve Young continued and I quote, "In closing and simple Layman's terms, bottom line is if you create a JEDD, it is for economic development to create jobs and preserve jobs. We've got 1,318 acres making up the JEDD. All those acres belonged to DRC and cannot be zoned commercial for economical purposes. We have 1,100 employees within those 1,317 acres. 1 acre is owned by the Scioto Township that is part of the JEDD. That is the only potential economic development area. I hardly think that the intent of the statute is met when you set aside 1 acre out of 1,318 acres. The clear purpose of this JEDD is to tax. That is not the purpose of a JEDD, to tax the employees who are within the JEDD. So essentially because they are not meeting certain requirements of the statute, we believe that certainly the County Commissioners should disapprove this once we go before them. That's all I wanted to say. Thank you Ma' dam President for your time."*

Ms. Gooden-Kinney asked Mr. Young to bring copies for Council if he plans on coming back with this type of presentation. Ms. Gooden Kinney feels Mr. Thompson was out of line to even ask for this to be heard since this was a working meeting for Council.

A gentleman from the audience asked if the date of the public hearing could be changed due to conflict with Grove City. Ms. Gooden-Kinney said no because we have guidelines that we have to follow. Mr. Cruz said one option would be to ask to be placed on the agenda for our Regular Council meeting. Once you are on the agenda, Council can address your questions. By state laws and sunshine laws we cannot address your concerns at this time due to not being on the current agenda. Mr. Brian Liff thanked Council for their time and listening to Mr. Young. He was hoping to be able to voice these concerns at both public hearings however, they are on the same night and that is why he asked for our date to be changed. In regards to Mr. Cruz' comment, Mr. Young said that he presumed Council had scheduled a Regular Council meeting on June 3, 2013 after the Public Hearing. He also asked if action would be taken on the June 3, 2013 regularly scheduled Council meeting. Mayor Hammond said he was correct. Mr. Steve Young requested to be heard and placed on the agenda for the June 3, 2013 Regular Council meeting. Mayor Hammond said the Public Hearing will be set for one hour from 7 PM to 8 PM on Monday, June 3, 2013. During the public hearing the public will be able to speak their questions and concerns however, they will not be answered at that time. After the public hearing, Council will continue with their Regular Council meeting that is scheduled for Monday, June 3, 2013. Mayor Hammond doesn't feel the need to add additional conversation to the agenda since they will be able to speak at the Public Hearing. Mr. Young stated that he was just responding to the comment that Mr. Cruz had made about being placed on the agenda. Mr. Cruz stated the law requires an item be placed on the agenda in order for the Council to be able to discuss. Mr. Shelton asked Mayor Hammond to ask Solicitor Hess to research if Mr. Young can be placed on the agenda and respond to Mr. Young. Fiscal Officer Hastings was to get contact information from Mr. Young. Mr. Liff asked if the JEDD was already going to be on the agenda. Mayor Hammond said yes, the JEDD would be on the agenda and possible action

could be taken. Mr. Cruz wanted to point out that when Council does not respond during the Public Hearing it's not because they don't want to or that they are hiding something, but because the law does not allow for a response.

At this time, resident Gordon McDaniels asked if he could have a few minutes to speak to Council. Ms. Gooden-Kinney told them he had five minutes to speak. Mr. McDaniels started out by handing out a copy of a letter between Chief Chip Welsh, Scioto Township Fire Department and the DCR. This letter stated Chief Welsh would not move forward with an additional tax without the support of the DRC. Mr. McDaniels continued to say that for the last 11 to 12 years he has worked for the DRC. The last pay raise he received was in 2005. Mr. McDaniels feels he has received a 33% decrease in pay. He said he has been displaced once and his company is getting ready to be displaced again from the DRC. He does not feel it's fair that the DRC is being penalized for mismanagement of funds from the Scioto Township Fire Department. He does not feel it's the residents fault. He also feels the Township vehicles are being utilized in a wrongful manner. He thinks it's terrible that people are saying that he needs to pay his fair share of taxes. He wants to see something in return for the money that he has to pay. He feels he does not have a safe place in his neighborhood for his child to play. He doesn't feel the community is behind him and they are not helping by taking more taxes. It is a huge painful hit. He doesn't feel he needs to pay as much tax as the residents of Grove City. Mr. McDaniels doesn't feel the proposed JEDD is correct. He feels it is there just to collect tax. He said his wife does not work and his hands are tied. Mr. McDaniels appreciated the time he was given by Council. He would like Council to hear the employee's side since Grove City is having a meeting the same time as the Village of Commercial Point.

At this time Ms. Gooden-Kinney asked if there was any additional business. No response.

Mr. Shelton made a motion seconded by Mr. Thompson to adjourn the meeting. All members were in favor. The motion passed at the meeting adjourned.

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Kimberly Gooden-Kinney, President of Council

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Wendy Hastings, Fiscal Officer