

VILLAGE OF COMMERCIAL POINT

PUBLIC HEARING MINUTES

June 3, 2013

Solicitor Hess called the meeting to order. He introduced himself as the Solicitor for the Village of Commercial Point. Solicitor Hess then welcomed everyone to the public hearing on the proposed JEDD between the Village of Commercial Point, City of Grove City and the Scioto Township. The purpose of this meeting is to allow the community to give input as to their feelings about the proposed JEDD. He explained that the comments being heard are for Council to ponder when making their decision on the proposed contract. Solicitor Hess said there will be no vote tonight. The resolutions are up for first reading at the Regular Council Meeting immediately following the Public Hearing. He also noted, there is no emergency wording on the resolutions. Solicitor Hess pointed out the sign in cards and stated if someone in the audience would like to speak, they were asked to fill out a card. He stated we were limiting comments to 5 minutes. He said he knew there were strong feelings both ways, for the JEDD and against the JEDD, and just asked for respect from all parties. He guaranteed the Council would treat the community members with respect. He noted only one speaker at a time would be heard. With no further comments, he began with the Public Hearing. A member of the audience asked Mr. Hess what his role was at tonight's meeting. Solicitor Hess responded that he was the mediator of the meeting to keep things moving in an orderly fashion.

Solicitor Hess asked Fiscal Officer Hastings to state her name. Fiscal Officer Hastings responded, Wendy Hastings. Solicitor Hess then asked what her position with the Village was. Ms. Hastings responded that she was the Fiscal Officer. Solicitor Hess asked Fiscal Officer Hastings if she posted a notice of tonight's public hearing meeting in the Circleville Herald. Ms. Hastings responded yes. He then asked if she posted this notice on May 3, 2013. Ms. Hastings again responded yes. Solicitor Hess asked Fiscal Officer Hastings if the proposed contract was available at the Municipal office prior to the posting in the Circleville Herald. Ms. Hastings said that she has had to document since April 29, 2013. Solicitor Hess then asked if the document was available for viewing. Ms. Hastings responded absolutely. Solicitor Hess asked Ms. Hastings what the hours of operation are. Ms. Hastings responded, Monday – Friday from 7:30 a.m. – 3:30 p.m.

Mr. Terry Holland was called upon first. He asked to allow the gentlemen representing the DRC to speak first. Mr. Steve Gray, Chief Counsel for DRC, stood and said that he would like to give others in the audience time to speak before him. Solicitor Hess then called upon Mr. Scott O'Neil. Mr. O'Neil responded that he thought by filling out the card, he would be speaking at the Regular Council Meeting, therefore had nothing to say at the present time. Solicitor Hess then called upon Mr. Keith McDaniel.

Mr. Keith McDaniels of 104 Yukon Drive said he was personally affected by the JEDD. He is a voter in the Village of Commercial Point. Because of cut backs with the State, he said that he has had to cut back. He has gone 11 out of 12 years without a raise. He feels that is about a 33% decrease in wages. He said that he struggles with daily issues trying to find a babysitter to watch his child. He said his taxes will go up to a total of 3% which is the same as Grove City and doesn't feel he has a safe place for his child to play. He wishes we had a better situation for our children. He said he appreciates the taxes being lower as of right now. He also brought up that he was in the 122 Army Band for 21 years. He feels this has a bearing on this because when they had free time, they would go and listen to the local people. He said

the hardest thing he had to deal with was listening to a lady whose son died on his term in Iraq. She was trying to get an understanding of why her son died, and was trying to make sure that the liberty that he fought for was there. This is not it. He feels what has happened here is not liberty. He feels the JEDD should be voted on. He had literature from when Joe Hammond, Randy Shelton and Clarence Wissinger ran for the open seats. He reads segments from the literature. "A one percent RITA tax was imposed during the great recession. The Council could have placed it on the ballot, but they didn't. Why? Because they knew we wouldn't vote for it." He feels this JEDD is the same thing. He said we might only have a couple voters living here, but Council is going to under mind a lot of former soldiers, that now don't have a right to vote, or even talk to Council about how they are being affected. He thinks that is horrible for all the people that have died for this Country. He feels the water system quality is very poor and expensive. He said there is a Council member here that can afford to water his grass in the summer. Mr. McDaniels said he has the greenest grass here, and he is voting to raise the taxes of others. He also stated he had a form of one of the candidates, Joe Hammond, has fairness and compassion for representing the constituents. Mr. McDaniels said that it has been determined the JEDD money is for the Fire Department. He feels the voters are being under minded and asked if they were considered the constituents here. He said Commercial Point voters were also part of the fire levy. He feels if they manage the fire department correctly, get the feedback from the voters of what is wrong, fix it, you will pass a fire levy. He said he loves the fire department, and asked how you could not after what they gave up on 9/11. However, he feels there are problems that need fixed. Mr. McDaniels then read a segment from Clarence Wissinger's literature. "Creating more with less." He feels all we are creating here is more revenue, with less voters to deal with. He then showed he had a copy of Mr. Wissinger's flyer. He quoted, "Business leaders with integrity, will succeed." Mr. McDaniels said he handed Council a letter at the last meeting, where the Fire Chief received a letter from the director of DRC, trying to get confirmation that the Township was not going to move forward with the JEDD without the State's approval. He said, it is moving on without the State's approval. He feels that is an integrity issue right there. He said if Council votes right along with it that would be their integrity also. He quoted Mr. Wissinger again stating, "Our current Council needs to listen to their constituents. I realize this is an elected position and intend to speak your voice." Mr. McDaniels said that he represents a lot of people even though not many showed up tonight. Another quote was read, "We need a Council that's accountable to the voters that put them in office. We want to look for initiative revenues from other sources, besides taxpayers. Identify ways and reduce taxpayer's burdens. Have integrity." Mr. McDaniels pointed out to Mr. Wissinger that these were his quotes. Mr. McDaniels then proceed to Mr. Shelton's literature. He touched on the fact that Mr. Shelton had a child in the Military. He then quoted from Mr. Shelton's literature. "In one year under my leadership, we turned it around to a surplus without raising taxes." He asked Mr. Shelton where his leadership was now and said we are raising his taxes. He read another quote of Mr. Shelton's. "When we were hit with the RITA tax without representation or regard and how it would affect every one of us, I was enraged." Mr. McDaniels said he is enraged and all Council acts like he doesn't matter and pay his fair share. He said that is what Mr. Shelton and his wife told him. Another quote was read, "I like the aspect of children playing outside and the good safety factor, low taxes." At this time, Solicitor Hess told Mr. McDaniels he had one more minute. Mr. McDaniels continued that he was frustrated that there was a few members on Council that have lied to voters. He said he was personally going to be affected by \$ 140 - \$ 150 a month. He said that he has taken so many concessions from the State as of now. He feels it is another attack on him from his own community and he thinks it should stop right here, right now. Should be a NO vote.

At this time, Solicitor Hess called on Mr. Steve Gray to speak. Mr. Gray thanked Solicitor Hess and introduced himself as Chief Legal Counsel for the Orient Rehabilitation and Correction Center. He said he was here on behalf of Director, Gary Moore, the staff and all of the employees of the Orient

Correctional Complex. He thanked Council for the opportunity to explain DRC's opposed position. Mr. Gray stated that he was new to the JEDD concept and in his review of the statute, the first thing he saw was the statutory purpose. He said a JEDD contract should be created for the purpose of facilitating economic development, create or preserve jobs, employment opportunities, and to improve the economic welfare for the people in this State and in the area of the contracted parties. He said that he has looked at the proposed JEDD contract and the economic development plan, and fails to see any business creation that is proposed, any business expansion, any job development, any economic development and you are here today asking all of the employees of DRC 1100 take on a 2% income tax, to fund what? He said he doesn't see where the economic development is. He doesn't feel the proposed JEDD doesn't meet the statutory purpose. He said he understand this JEDD is going to consist of about 1,318 acres all of about 1 ½ acres are owned by the State of Ohio. He said 1 acre is owned by the Village and the ½ acre is owned by the Township. He said the proposed JEDD contract under the statute requires all that land by commercially zoned, for an appropriate manner and use. He feels that makes sense. If you are going to create an economic district, you need that land to be developed. He said 99.9% of that land is owned by the State of Ohio and under special zoning and can't be used for any economic development. He asked where the economic development was going to be, that you are asking 1,100 employees at OCC to fund through an income tax. Mr. Gray stated that absent any valuable plan for economic development of this JEDD area is clear that the sole purpose of this JEDD is to generate tax revenues for Village and to create services. Who is going to benefit from those services? He said the idea behind the JEDD is for communities to come together, the Village, Township and Grove City, and provide an infrastructure to attract businesses in the JEDD area. He said there can be no businesses put on the State of Ohio property. He said they won't consent to this. It is not commercially zoned and simply can't happen. He said again, Council was asking the employees to take on their back more taxes in this day and age that they don't need, they don't want and didn't ask for, as a means to get the result from something that failed, not once but maybe twice. He said Fire and EMT is important, but when your own constituents and citizens reject it, there is a reason why. He said there may be other things more important at that time. He feels Council is now trying to raise taxes on the employees of DRC and any businesses that would be in the area, but he doesn't see any business in the JEDD area that Council is looking at taxing. Mr. Gray pointed out that under the statute Chapter 715, for a JEDD area that is proposed here, as he said before, it includes the OCC Complex. Under this Chapter it requires that no electors live on the JEDD property. He stated there are at least 6 DRC employees that live on the OCC property. He feels, given that, it disqualifies this JEDD from going forward and being approved by Council. Mr. Gray stated that this may have to go to referendum and wanted the Council to be aware that there are certain requirements under the JEDD statute that he reviewed. He said the territory of the proposed JEDD has to be zoned in a manner appropriate to the function of the proposed district. As he stated before, the majority of the JEDD property is not commercially zoned, so that requires if this does get passed, it would have to go to a referendum to the Township and voted upon. He said if Council approves the contract, the next step is to be approved by the County Commissioners. He stated a lot of people that are at tonight's meeting and other employees of DRC will go before the Commissioners and oppose the idea of this JEDD. He finished by stating that Director Gary Moore back in 2011, wrote to Porter Welch, the Scioto Township Fire Chief. He said Mr. Moore was told by Chief Welch that he gave him his word and they would not attempt implement this JEDD without getting DRC's approval and that never happened. DRC has not given their approval. For these reasons that he has stated above, Mr. Gray asked Council to not approve this JEDD contract. He thanked Council for their time.

At this time, Solicitor Hess called on Mr. Terry Holland to speak. Mr. Holland stated his name and that he was a resident of New Holland. He thanked Mr. Gray and Mr. McDaniels and said he could only echo

what they had already stated. He said they are the faces and voices of the hardworking people that represent the Orient Complex. He said they are here to oppose any effort that would impose a payroll tax. The prison property and the acreage that it encompasses cannot be developed for the reasons stated. Therefore, it is his contention that those supporting this measure have not made an argument for a compelling business plan. It has not been established. He was curious if there has been any discussion on cuts to the Township or Village services or staff? He said he was unaware of any. He said the State has to endure budget cuts and wage concessions for almost 11 years. He feels they have paid the price. He feels since either party has created a responsible and sustainable budget, this is the wrong way to go about it. To come out and attack public employees on the Orient Complex and families and create a hardship, it's wrong. He feels it is clear and all about robbing the prison employees of the Orient Complex and feels they are considered low hanging fruit. He feels they are being subject to taxation without representation. He asked how Council was going to take their money and not allow them to have anything to say about it. In closing, he feels the Council members who support this JEDD, this is theft by deception. He feels Council should live where he works. He thanked Council for their time.

Solicitor Hess said that concludes the requests that he has. Mr. Brian Liff said he didn't know he was supposed to turn in his request to speak. Solicitor Hess allowed Mr. Liff to turn in his slip at this time and speak to Council. He stated his name and address of 10602 Baldwin Road. Mr. Liff said he transferred to Pickaway County 2 years ago. During that 2 year time period, he has actively worked in reducing and cost savings every chance he gets. He said they made a change at their institution concerning their trash bags and it saved them \$ 50,000 a year. He said that is something very important and dear to him. He said he has not had any concessions in the past 11 years. He said every year that he has been with the State of Ohio, total of 15 years, his pay has gone down. He said Council could pull up his PERS file because it was all public information. He is suggesting that the fraud and waste that is being reduced at the State level, should also be done at the Township and Village levels. He stated, currently Scioto Township for 2012 for the Fire Department, received \$ 531,000 of taxpayer money. They also collected \$ 325,000 in bills from insurance companies. He said their total operating costs for 2010 and 2011 was \$ 1.6 million dollars per year. He stated that they did lose the contract with the State of Ohio. He feels they lost the contract because they can't provide the service that can be provided by another outfit for the same price. Their current charge for the State of Ohio is over \$ 1,000 per run. He said the current contract with Advanced EMS is \$ 300 per run. He stated to Council that it was their money they were saving. He said this is why DRC does the things they do. He feels if the Scioto Township Fire Department can compete with the open market, their contract expires this year. They would welcome a bid. They are not against it, but are against the fraud, waste and abuse. He then went on to compare Fire Departments. He said Tri-County Fire Department covers 124 square miles and Scioto Township covers 45 square miles. He stated Scioto Township's budget is \$ 1.6 million for 2010 and \$ 1.2 million for 2011 whereas Tri-County's budget for 2008 was \$ 447,000. He feels Tri-County is covering three times as much land with three times less money. He feels that is why the people in this town and township have voted the fire levy down. They are tired of the waste. They are tired of the abuse. He continued to say Tri-County Fire District has never lost a levy because they are financially responsible with their money. He said you could compare the school districts as well. He said Madison Plains school district has tried to pass a levy for the last 8 years. He feels they are not financially responsible with the money they have and will not ever pass a levy. He continued to say the Miami Trace school district is rated in the top 10 for the State of Ohio. They pass a levy every time they put it on the ballot because their people believe in it. He said, three times now the fire department has tried to pass a levy in this area and three times it has been voted down. He gave percentages as to how many people voted it down and stated to Council that these are the people they are representing. He feels the

people have already spoken and they will speak again whether it is through this referendum or through a vote during the next election. The people in this community will speak again. He stated in addition to the \$ 1.2 million dollars the fire department received, they also received \$ 435,000 in grants for equipment and the list goes on and on. Mr. Liff referenced ORC Chapter 715.74 Section C 3 where it states that in the JEDD a specific % amount was going to be set aside for maintaining the JEDD. He said depending on which contract you look at, because there are at least 2 different versions going around, the % are different and the amount of board members are different. He said the contract he received from the Village was different from the Township and Grove City's contracts. He offered copies to anyone that would like to see them. He said the % for maintaining the JEDD in the Township copy said, "an amount efficient enough." He doesn't feel the township is willing to put out a percentage because they don't want you to know what they are going to do with the money. He stated that money will come out before any disbursements to the Village, Grove City or Township are given. He said the contract is in violation of the ORC due to not specifically stating a percentage. He feels it is because the Township wants to do what they want to with the money and not let anyone know what they are doing. He said there is one parcel within the JEDD that is available for economic development. It is a 1.3 acre lot. He said the problem with that parcel is it is located in front of the Berger Medical Center. He continued to say, part of the 1.3 acre parcel is where a county storm drain is located and some type of utility substation. He feels of the 1.3 acre lot, only ½ of it could be developed. He said according to the deed restrictions of that lot, you must supply off road parking and the building. He wonders what type of building can be put on that parcel, a 20x20 shed and 3 parking spots. He feels this whole JEDD contract is an absolute joke. The only other item Mr. Liff would like for the Council to consider is the precedence that is being set with Scioto Township. He said according to the proposed JEDD contract, Grove City will receive 10%, Scioto Township will receive 89% and the Village will receive 1%. He doesn't feel it is fair to the Village. Where is the funding for the Police Department Service that per the contract, the Village will be providing. He said the only problem is, the Village can't provide police protection to the State of Ohio. Per the ORC, the Ohio State Patrol is the only entity to provide police service to the State of Ohio. Mr. Liff thanked Council for their time.

Solicitor Hess said he had no further requests to speak. He thanked everyone for coming and conducting themselves in a courteous and respectful way. At this time, Mr. Rob Adams asked if it was too late to speak to Council. Solicitor Hess said there was time, due to the fact that we allowed an hour for this public hearing.

Mr. Rob Adams introduced himself and stated that he lived at 139 Walnut Creek Dr. He said that he has been in the shoes of the employees of DRC and feels for them and understands their passion. He said however, if facts were going to be cited to try and persuade Council to vote one way or another, he wanted to make sure the facts were correct. He said that Tri-County Fire Department is a volunteer fire department where Scioto Township is not. He said the comparison was a strictly a fire department being compared to a full time fire and EMS department. Mr. Adams feels the run volume for Scioto Township is probably triple the amount of Tri-County. He said that is why the large cost difference. In closing he again said he feels the DRC employees passion, however he is a fire fighter and knows the needs of the department. He said the voters did shoot the levies down for whatever reason. He said he was part of a committee that sent out cards to ask the taxpayers, if they wanted to tell them, how they voted, why they voted, and what could be done to persuade their vote. He said out of the cards they received back, 95% of the responses were because people said they could not afford more taxes. He said the prison wants to state that this is an attack on them because Scioto Township lost the contract. Mr. Adams said that is not the case. He said the people are upset because the Chief drives a company vehicle home. He doesn't feel that is the case either. He said the survey cards came back to the

committee asking them to find other ways to get money than going to the taxpayers. He feels this is another way. He feels this is the Township Trustees and Village Council's way of finding other ways to sustain the services that are provided by the Scioto Township Fire Department. He said at the end of the day, he doesn't care about himself or the employees at DRC, but what he does care about is the safety of his family. He said that he has taken concessions for the last 4 years and feels it is a sign of the times. Mr. Adams thanked Council for their time.

Solicitor Hess called on Mr. Lacey Perigo to address Council. Mr. Perigo said the fire department has cut budgets and without raises for 4 years. He said he pays 1% income tax to Commercial Point and another 1% to Lockbourne. He said he knows what these employees are going to go through. He said that he didn't have a vote either it was just taken from his paycheck. He said you can go to Columbus and not have a voice either. How many institutions are there that have to pay taxes compared to how many that don't. He said he has to pay income tax just like everyone else. He said paying the tax hurts, but if it pays for improved streets and signs, he is fine with it. He said he doesn't live in Commercial Point, but still has to pay the tax because he works here. He doesn't feel his money is going to waste. He sees the improvements that are being made. He said the money being deducted hurts, but everyone has to pay taxes. This is nothing new. He feels that if he has to pay income taxes where he works, then why shouldn't everyone have to pay?

At this time, Mr. McDaniels and Mr. Liff asked for a few minutes to rebuttal the last comments that were made. Solicitor Hess said this is not the last time that we will meet about this issue. Again this is the Public Hearing. He does not want to get into a he said, she said type of discussion. He understands everyone wants to comment, however he doesn't want a discussion back and forth to occur at this meeting. Each person was given their allotted time to speak. There will be other venues for everyone to speak their piece.

At this time, Solicitor Hess closed the public hearing and thanked everyone for coming to the meeting. He said we look forward to hearing from everyone again.