

RECORD OF PROCEEDINGS

Minutes of

Council

Meeting

GRAPHIC VILLAGE - CINCINNATI, OH

Form 6101

Held

September 13, 2022

MINUTES

SPECIAL MEETING OF COUNCIL

SEPTEMBER 13, 2022

Called to Order:

President Conway called the Village of West Jefferson Council Meeting to Order and asked for a Roll Call at 6:30 P.M.

Roll Call:

Council Members: Cahill, Conway, Hall, King, Patterson, Wade, and Warner.

Quorum Declare: 7 present, 0 absent.

Also attending were: Becky Arnott-ShIPLEY, Finance Director; and Jimmy John Hall, Clerk of Council; Ray Martin, Mayor;

Prayer: Rev. Jimmy John Hall.

Almighty Heavenly Father, we thank you that through the eternal Son of God, our evil desires no longer reign in or over us, although we struggle and are being made perfect, even as you are perfect. Help us, O God, in our greatest temptations to be assured of the greatest gift, namely, salvation, righteousness, forgiveness of sins, and eternal life in Christ. We petition your throne of grace to help our discussions and actions tonight. In Christ name we pray. Amen.

Pledge of Allegiance: Ms. Warner.

I (we) pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Agenda:

Motion to Adopt the Agenda moved by Ms. L. Hall and seconded by Mr. Wade.

VOICED VOTE AFFIRMED

Motion Carries 7/0/0.

Old Business:

A. Ordinance 22-075, authorizing a supplemental appropriation in the General Fund for payment of refunds.

Motion to Adopt Ordinance 22-075 moved by Ms. L. Hall and seconded by Ms. Cahill.

Reading of Ordinance 22-075, authorizing a supplemental appropriation in the General Fund for payment of refunds.

Deliberations: President Conway opened up Council deliberations.

Ms. Arnott-ShIPLEY said we received a net profit request in August. The amount was about \$250,000.00. We need to make this refund.

Deliberations: President Conway closed Council deliberations to vote on the main motion.

VOTE YEA: Cahill, Conway, Hall, King, Patterson, Wade, and Warner.

VOTE NAY: None.

ABSTAIN: None.

Motion Carries 7/0/0.

Recognition of Guests:

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Mr. Tom Falco addressed Council with several concerns with the Redwood development. The first concern was with the newest site plans. The newest site plans moved the pond into an area that Mr. Falco deems to be a safety concern. There are a lot of reports of young people drowning in area ponds. However, if the pond was put in the back of the property, then lives could be saved. Second, another concern is Mr. Falco's tile, which goes across the field. Mr. Falco says the tile works right now and wants it put back after the development.

Ms. L. Hall asked if Mr. Falco was present at the Building and Zoning Commission Public Hearing and if Redwood was asked about the pond.

Mr. Falco said he was present at the meeting and asked about the tile but not about the pond.

Ms. Warner said it might have been ODNR that asked for the pond to be moved. We need to ask them why it was moved.

Ms. Cahill said if the pond is in the current proposed location, then at least it can be better observed.

Mr. Wade said we can ask the developers to put in some safety features.

Mayor Martin asked if Mr. Falco was aware that the church has a pond? What is the concern with the tile?

Mr. Falco said the field tile is for his perimeter drain. This cannot be cut off. If it is cut off, then the leech bed.

Mayor Martin asked how is this on somebody's property?

Mr. Falco said in 1965 there was no concern with the field tile.

Mayor Martin said this is what we need to ask Redwood, namely, are they going to protect the field tile.

Mr. Falco said this question was asked but there is nothing in writing. Now is the time to address these issues.

### New Business:

#### A. CEDA Discussion.

Mayor Martin explained how the Village arrived at an impact fee agreement with Exeter. As a result, we made a fire plan review fee (up to \$4,000.00), impact fee, and future fire development fee (\$0.1 up to \$50,000.00), we made these uniformed. We are now being asked to apply this to the CEDA and Service Agreements. The intent is to do the same as Exeter did but the question is how? We are administratively trying to help.

President Conway said the Township Trustees wanted an agreement in writing. Now the developers know these are our agreements. The agreements also contain a 90-day escape clause. This is in Section V.

Mayor Martin explained Article III, Section 1, summarized the intent to terminate by legislative action. This section was placed in the legislation in the event the Village starts its own fire department.

Ms. Cahill asked the Finance Director how this will be paid?

Ms. Arnott-Shipley said we will receive it as an impact fee, pay it out, and track them quarterly.

President Conway said even though is this supposed to help the Fire Department, the fees are given to the Trustees.

Mayor Martin asked if the Village can have a CEDA with the Fire Department.

Mr. Josh Beasley said, although at the meeting as a resident, legally the agreement is with the municipality and the township.

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Ms. Hall said there is an issue with 50-year terms.

Ms. Arnott-Shiple said the terms is only in effect from year 2 to year 15 and after the CRA reaches maturity, then there is no agreement except for any new building.

Mr. J. Hall said Revised Code was passed out and it appears that each CEDA requires a public hearing with each municipalities involved. Should we put some of these CEDA's together or have them separately.

Mr. Josh Beasley said there are several issues. These agreements are not written well. First, in Article II, Section 1, Jefferson Township is legally obligated to provide fire and EMS services to the Village. Consequently, they cannot contract to provide services as they are legally obligated to provide them. If a comparison is made between the CEDA provided by Jefferson Township and the CEDA provided by the Villages Law Associates, the former CEDA mentions "enhanced service" while the later does not. If that same language was used in the later, then the legislation would be in good standing. Second, Article II, Section IV, the reading of this means the Village of West Jefferson is paying Jefferson Township the fee. The Village is also collecting the fee. We are acting as a collection's agency on behalf of the Township and are on the hook. Third, there is also a concern about the 50-year periods. It is customary but it is not customary to have automatic renewals of the same in perpetuity. We can't have a perpetual contract. Fourth, the map is a problem. The green outline, the area to be included in the CEDA, includes half of the area of Westwood. It should not be that way. This is sloppy work.

Mayor Martin said that is a mistake done by the Village.

Mr. J. Hall said this is not a mistake done by the Village. This was the map sent to the Clerk of Council by the Law Associates upon our request.

Mayor Martin said our map matches.

Mr. J. Hall said I understand that but the first round of documents sent to the Clerk of Council, there was no map provided for Exhibit A. Only the terms "CEDA Territorial Map" was provided. The Clerk of Council went to each department head for information they might have. No body had a "CEDA Territorial MAP" or knew of such a map other than the CRA map.

Mayor Martin said the CEDA Map is the same as the CRA map.

Mr. J. Hall said I understand that but that is not what Exhibit A named. If the Law Associates wanted to cite the CRA map, then they should have spelt that out.

Mayor Martin said the CEDA Map never existed.

Mr. J. Hall said I understand that but the Law Associates should not send the words of a non-existent map as Exhibit A.

Mayor Martin said the CEDA Map is a proposed map. But it needs to be amended to deal with Westwood.

Mr. Warner asked how Westwood fits with the CEDA?

Mayor Martin said the CRA area is the CEDA. They are asking for the CEDA and CRA be the same.

Mr. Warner said these people are already established and have homes built.

Mr. Beasley asked what happens if there is a house fire? There are problems here. Are you ready to explain to those residents that they are in the CEDA area and will not have to pay the \$0.05 per square foot fee. My other concern is the other agreements as they are not CEDA's but Service Agreements. I am concerned with the payment structure with the services. Deer Creek Township is also legally obligated to provided fire and EMS services.

Mr. Wade asked what is meant by expanded services?

Mr. Beasley said this could be additional staffing and it can be looked at through a public records request.

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Mr. J. Hall said in CEDA with Jefferson Township, Section IV, is the language of 'remit' also used in the other agreements?

President Conway said the same language is found in the others. So far, all the attorneys put this together and we have reached a point of making sure this is all correct, meet with the Trustees, and have our Law Director draw up the language for the CEDA and Service Agreements.

Ms. Pam McCormick is this agreement only about money or responding to an emergency?

President Conway said this is about mutual aid.

Ms. Arnott-Shiple said its not about the service agreement, it's about mutual aid. If one department is busy, then other fire and EMS service help.

Mr. J. Hall said is this a way to negate the CRA abatement for so-called 'foregone money'?

Mr. Beasley said from the Township's point of view, they want to enter into this agreement because they are missing out of increased property revenue. When the Village allows a CRA, then the property stays at the pre-development value for taxation. The CEDA is a way for the Township to re-coupe that revenue. The designated area informs developers of these potential fees.

Ms. Cahill said to Ms. McCormick this is about money. However, the money is not necessarily going to the Fire Department but to the Township. This is a concern of mine. There should be some verbiage to indicate the direction of the revenue to the Fire Department.

Mayor Martin said the purpose of this is to help the Fire Department with additional cost to services. When the property taxes go up, they do get that increase.

President Conway said we need to have our attorneys to write this CEDA and Service Agreements. Since everybody agrees, we will instruct the Clerk of Council to send this to the Law Director. This is all a courteous to the Fire Department.

(Inaudible 1:01)

B. Zoning Discussion.

Mr. J. Hall summarized the Building and Zoning Commission's potential pieces of legislation. There were three, namely, Columbus Logistics (PCD), Forest Trucing (M-2), and Redwood (PMU). At this point, we have received only the recommendation from Building and Zoning Commission and no site plans. So, normally the documents would be time stamped and the process would begin. However, these are incomplete and the process will not be started until the Clerk of Council receives the site plans. Therefore, this is just for your information.

C. Village Hall Architectural Plans Discussion.

President Conway said we are looking at potential plans just to plan ahead for the next 20 or 30 years.

Ms. Cahill said could this structure fit where the Community Center is located?

Mayor Martin said we will have to ask the Public Service Director.

President Conway said from a technology stand point, it is better to have all the departments under one roof. We also do not want two-stories. We don't want elevators and so on.

Mayor Martin said the Public Service Director is looking on several locations.

D. Executive Session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official. (The Ohio Open Meetings Act Chapter Nine)

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**Motion to Move into Executive Session**, moved by Ms. L. Hall and seconded by Mr. Patterson at 7:46 P.M.

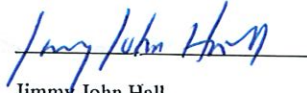
**Motion to Move out of Executive Session**, moved by Mr. Wade and seconded by Mr. Patterson at 8:04 P.M.

**Adjourn:**

**Motion to Adjourn at 8:05 P.M.** moved by Ms. Patterson and seconded by Mr. King.

VOICED VOTE AFFIRMED

**Motion Carries 7/0/0.**



Jimmy John Hall  
Clerk of Council



Mike Conway  
President of Council

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