

<BLOOM TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING 01-23-08>

Joseph Smith, Chair, called the meeting to order at 6:30. Members present were Trustees Smith, David Petty, Brian Randles, and Fiscal Officer Carol Moore. Also present were Anne Darling Cyphert, Board Admin. & B/Z Administrator; Fire Chief Terry Gill; Road Supervisor Randy Solt, and several interested citizens.

Smith asked everyone to join him in the Pledge of Allegiance and to remain standing for a Moment of Silence in honor of our troops serving in the Military throughout the world.

PRESENTATIONS AND PUBLIC COMMENT:

Smith asked if anyone had anything for public comment. Hearing none, Smith asked if those present wanted to discuss the JEDD. Gary Weltlich, Violet Township trustee, said he and Bill Yapple, Violet Twp. Operations Director, were present to answer any questions about the JEDD.

Smith asked Cyphert about an email the township had received from the Lancaster Fairfield County Chamber of Commerce and Fairfield County Economic Development Department that contained a legal opinion from Peck Shaffer and Williams that says a property owner can be forced into the JEDD against their will. The trustees had her read the email.

Smith said he had spoken with a major land owner (Boving) that could be placed into the proposed JEDD. The land owner informed Smith that he is not interested in participating in the JEDD. Smith told the other trustees this land owner is a key player in our whole JEDD area. Concerns over a bridge in the area were discussed.

Smith said Pickerington and Winchester Roads are the two main arteries in Bloom Twp. that would be in the JEDD. Pleasantville Road will most likely get an interchange. Viewing a map of the proposed JEDD area, the trustees, Cyphert, Yapple, and Weltlich reviewed the Boving property and discussed the area in the proposed JEDD it would encompass. Cyphert pointed out the possible well head protection area and the commercial areas. Smith said the Boving property is 90% of the JEDD.

Smith expressed concerns about traffic in the area. He said traffic is already heavy and asked why a business would want to locate there with all the traffic problems.

Weltlich said Greenfield Twp is expressing interest in being added to the JEDD.

The trustees discussed the \$20,000 in legal fees already paid on researching this proposed JEDD and were concerned about future costs if the township agrees to join the JEDD. Smith asked if Bloom would need to hire someone like Violet did to market the JEDD on behalf of Bloom Twp. Yapple said no; that is the purpose of the 33 Alliance.

Weltlich said the Route 33 Economic Alliance Group is supposed to do the marketing for it. He said the only reason they have the language in the JEDD to market it is if that goes away. Randles said they seemed actually pretty secure in the way they were talking. Weltlich said they have raised 40% of what they promised and they were supposed to have it done September 1st of last year. He said he thinks it is going to fold up. He said the commissioners are trying to make a county-wide effort.

Cyphert said she had discussed with Weltlich and also with Yapple regarding Violet's hiring of an economic development specialist. Cyphert said they had talked about Bloom possibly sharing the cost of the services. Weltlich said they discussed doing this for a nominal fee. He said he told Cyphert that their economic development specialist's primary focus would be the JEDD. Fiscal Officer Carol Moore said she is not sure it is a good idea for Violet's Ec Dev person to represent us as well as Violet. Weltlich said the whole idea of the JEDD is so we don't fight. Moore said yes but when the Ec Dev person is talking to the Board on your behalf, what about Bloom's interests? Weltlich asked what Board? Moore said the JEDD Board; they make the decisions about where the infrastructure goes. Weltlich said it will be a weak JEDD Board. Moore said the comments have been that it is a stronger than usual JEDD Board. Weltlich said they got in a big argument the first week of the JEDD discussions and they decided it would be a weak JEDD Board.

Petty said isn't a JEDD normally event-driven rather than identifying an area and then going out and selling it? Weltlich said traditionally it is a site-driven function. He explained that the JEDD was formed to protect the 33 corridor. Weltlich said Congressman Hobson's office is going to the Federal Highway Administration trying to get funds to build service roads exactly on the one mile of either side to preserve this as a barrier.

Petty said with the limited accessibility along 33, no business is going to build along 33 because the State has already said there is going to be no more interchanges from Diley to Carroll to Lancaster.

More discussion among the trustees, Yapple, and Weltlich while viewing the proposed JEDD map area. Yapple said the area is pretty well equal between the two townships.

Weltlich said we all have to understand one thing; this is a JEDD model; there is no JEDD until the landowner petitions to come into the JEDD. Randles asked what is the landowner's motivation to join this JEDD.

Smith said that the Violet representatives had said the landowners have to petition to come into the JEDD, but he said doesn't that thing say they can be forced into the JEDD? Yapple said no,

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that is a whole different issue. He said if you get this property that wants to come in, and there is a small chunk, they can take the other property with them into the JEDD like annexation. Weltlich said they can force them. Weltlich said that is exactly what it says. Yapple said they discussed it as a whole body and he said they changed it to the majority, that someone can take someone else into the JEDD.

Weltlich and Yapple said that most do not have a problem paying the income tax because they are offered the tax abatement and infrastructure. He said the income tax offsets the abatement. Smith said he heard that a company decided to go into Greenfield Twp instead of Lancaster because they didn't want to pay the income tax.

Weltlich said the intent is to go out to the bypass. He said if this works, they want to go all the way out the Lancaster bypass together. He said if we don't do this regionally, we will all be fighting over the same piece of the pie every time it comes up. He said then the pie walks away. Weltlich said he is not a trustee by profession, he is a capitalist. When he sees all you guys fighting for him, he is going to cut every deal he can and at the end of the day he buys it. Smith said we are not going to fight. Weltlich said Lancaster will fight us if we don't have an agreement, a JEDD.

Weltlich said that this is a model for a JEDD to exist; that the landowner has the ultimate decision; he has to physically petition to join the JEDD. If we don't get any landowners all we have is an agreement that we are not going to fight if and when a JEDD is formed. He said he doesn't get what the county is all fussed up about. Cyphert said the county is concerned the landowners don't necessarily have a choice and can be forced into the JEDD. Weltlich said that is true if they are a minority. If there is a large landowner that wants to go into the JEDD, they can take them in just like an annexation. Yapple agreed. He said that's exactly what the group agreed to as a group when they set the rule in. Weltlich said the county is technically correct. He said now tell him how that's going to happen.

Randles asked Yapple and Weltlich to explain again how the person can be forced into the JEDD. Yapple said a five acre parcel couldn't take a 1,000 acre parcel. Weltlich said if they are 1,000 acres and the other is five, then they could take them in. Randles asked why the JEDD was written that way. Weltlich said so it would be parallel to annexation; so the five acres couldn't block the development of a JEDD district for an industrial complex.

Weltlich said you have to remember that in the beginning the JEDD is going to have no money. Hopefully in 5 or 10 years it will begin to build a pot of money and they will be able to build their own infrastructure. Petty asked where the money is going to come from in 5 or 10 years. Weltlich said from the income tax. Petty said he just drove through the Rockmill Complex and that has not developed as projected. Weltlich said this is not going to happen in his lifetime. This will be 30-50 years before it is rocking and rolling.

Smith said we have a road between two cities that cannot take the traffic now. Petty agreed. Yapple said the JEDD furnishes a place to work so people will not need to travel the road to get to work. Petty asked why would I want to locate a business here when I cannot get my trucks on and off. Randles said the argument for that is once this is done you will have your way because you have Allen Road and Basil Western. He said those roads will be built up just like Violet's.

Weltlich said let's quit talking about the future, let's talk about the past. He then discussed the interchange at Hill-Diley and the CEDA with a 2% income tax. He said the CEDA area has businesses because they cooperated. He said if you predict this is never going to happen then explain to him how the CEDA is filling up.

Smith said he is not all opposed to this. He just wants to know what it will cost the township. Weltlich said they are extremely happy with the amount of money they get from the CEDA. It is very significant and all they do is provide EMS service and Yapple added that they provide ice and snow removal. It takes them out of the dependency on local government funding.

Weltlich said if Bloom does not join the JEDD, the developers will determine your destiny. Without restrictions, without regulations it will develop like it did in Pickerington. He said they are in financial trouble.

Weltlich told the Bloom Twp trustees that they have to make their own decision but he will go to his death trying to protect this JEDD because it's the only chance we have as a township to offset our costs in the future. He said Local Government funding is going to go away.

Smith said no one has done a cost estimate of what it's going to cost. Smith said they said it would cost us \$1000 a year. Weltlich said that's the worst case he can think of.

Weltlich asked the trustees what their costs are, what their exposure will be. Petty said that is what we don't know. He said \$200 per hour for lawyers. Randles said that's got to go away. Petty said we had a company come in and give a proposal of \$1,000 per month retainer to administer the JEDD for Bloom Twp. Yapple said you don't need that at this point. Petty asked if Bloom is going to need someone with JEDD expertise. Yapple said he doesn't think so at this time. Weltlich said why would you hire someone when we can loan you Joy Davis at \$20 a month? Cyphert said that is a lot less than what Weltlich had told her. Smith said he didn't think the three trustees would have a problem with that. Weltlich said he had told Cyphert they would work with

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Bloom on it. Petty said he does not want to see \$20,000 to \$30,000 legal fees because we can't afford it.

Cyphert asked if the Bovings might be forced into the JEDD. Smith said he cannot be forced into the JEDD; that he has to solicit to come in. Cyphert said that is not what the county says. Yaple said the township cannot force him but that another property owner can force him.

Weltlich said Violet Twp, Canal Winchester, and Lancaster said they intend to join the JEDD. Weltlich said they are waiting for Bloom and Pickerington.

Weltlich said Violet does not have a budget for legal fees after this is done because there is no expense; there is no reason. Smith said that is our main concern. It is costing us money. Weltlich told the Bloom Twp trustees as far as he is concerned the money they spent was a very poor use of money because all they got was a wordsmith.

Randles said maybe the township should get into it and agree to cap the fees. He said he is concerned about getting into this if there's something they overlooked and we get bills every month.

Smith asked if there is a withdrawal clause. Yaple said he doesn't think they have written one. Weltlich said they would be more than amiable to put one in for Bloom.

Smith said he is open to this but if it gets too expensive for us he would like to have a way to get out of it. Weltlich said fine: do your public hearing and make sure that is in the record. He said after the public hearing the group will get back together and rewrite whatever language the group would like. Randles said he does not want to be a part of the JEDD if someone can be forced to be in it. Weltlich said that's going to be contentious. Yaple said have your public hearing and then bring that back to the table when we get together after the public hearing. Weltlich suggested the trustees bring up at the public hearing that they don't want any property owner to be forced into the JEDD so it is on public record.

Weltlich complimented Bloom Township's counsel that represented them at the county commissioner's meeting that he said he calls the Spanish Inquisition. Yaple offered his compliments as well for the attorney. Randles suggested Bloom Twp have the public hearing for the JEDD and see what people have to say.

Yaple said Lancaster has to have it's third reading. He said townships only have to have one public hearing to finalize it.

Weltlich said all five entities have to have a public hearing and then get back together to resolve any issues that are despairing. Yaple said the only thing the trustees would do tonight is set a 30 day public hearing as soon as you can have it. Weltlich said you have to have 30 days for the public to come in and read the draft as it currently sits. He said you might have 200 people or you might have nobody. Weltlich said Judy Shupe and Bill Arnette came to Violet's public hearing. Petty asked Weltlich and Yaple if Joy Davis could help Bloom Twp do the legal notices and such. He said yes. Petty said because we are trying to keep the costs minimal. Randles said it could be tabled until the next trustee meeting if they wanted to think about it. Petty suggested setting the public hearing Wednesday, March 5th because that is more than 30 days out.

Smith asked if anyone else in the room wanted to say anything about the JEDD. (There were other comments made regarding other issues before the trustees returned to the JEDD conversation.)

- Jay Alspach, of Lora Lane, stated Canal Winchester School District has made bus pick up and drop off decisions that will affect the safety of the children. His neighborhood children will be picked up at Alspach Road and Lora Lane. He asked the trustees to put bus stop signs up in the needed locations. Smith stated the school districts are responsible to put those up. Alspach expressed concern about speed in the area as well. Smith advised him to petition the county commissioners.

- Donna Abram: RPC representative for BT said a presentation from Soil and Water Conservation was given and they are involved in Farmland Preservation. She said public speakers are available to give more information. Cyphert said a speaker also presented the information to the Fairfield County Township Fiscal Officers and Trustees Association quarterly meeting.

Smith brought the meeting discussion back to discussion of the JEDD. Smith thought the other public comments would be about the JEDD but that was OK but now the discussion will go back to the JEDD.

Petty said he still has reservations on the legal costs, but if we can get an exit clause and that no one would be forced in, it won't hurt to hold a public meeting if it's not binding. He said if we can get help from Violet on the legal ad, he suggested looking at MAR 5th for the public hearing; before the March 12th regular trustee meeting. Cyphert said the trustees already received a packet from their attorney that contained the legal ad. She said all they need to do is direct the Fiscal Officer or herself to fax it to the media. She said John Albers already did the language and the township paid for that.

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Motion by Petty that the trustees hold a public hearing on March 5th at 7:00 p.m.

Smith called for discussion.

Smith asked Weltlich how he feels about the withdrawal clause as a trustee. Weltlich said he would not oppose it. He thinks all JEDD parties would agree with an escape clause.

Smith asked Weltlich how he feels about the ability to force landowners into the JEDD. Weltlich said personally as a trustee he wants the ability of the majority of the landowners in the JEDD to be able to bring the other landowners blocking them into the JEDD.

Weltlich said he thinks the cities will oppose it because they feel they are giving up their annexation rights along with the JEDD. Weltlich said he thinks they have cleared up a misconception that if you join the JEDD as a city you would have to give up all your annexation rights. He said that the cities have only given up their annexation rights within the JEDD. Smith said within the corridor. Weltlich said right; that he thinks that's right but he won't swear to it. Smith said again that it is within the corridor because that would only be fair.

Moore asked for a point of clarification. Is Bloom using Violet's employee to place the public notice? Petty said no. Moore said that the attorney had prepared a resolution ordering the fiscal officer to advertise for the public hearing and asked if that is the motion. Petty added to his motion that the fiscal officer would prepare the legal notice provided by legal counsel John Albers. Weltlich and Yapple reviewed the notice prepared by Bloom Twp. attorney John Albers and agreed it was the proper notice. Petty read the resolution as part of the motion.

Smith called for a short recess while copies were made of the resolution to advertise for a public hearing.

After a short recess, Smith called the meeting back to order.

Moore completed the form and asked the trustees to strike from the resolution the sentence that says: "The Fiscal Officer advised the Board that the notice requirements of Section 121.22 of the Revised Code and the implementing rules adopted by the Board pursuant thereto were complied with for the meeting." The trustees agreed and the motion is to adopt resolution 08-08 prepared by board attorney Albers, with the correction, and to set the JEDD public hearing for March 5, 2008, at 7:00. p.m.

Smith said there is a motion on the floor and asked for a second. Randles seconded the motion.

Roll Call: Petty – Yes; Randles – Yes; Smith – Yes. **RESOLUTION 08-08** adopted 3-0.

Petty said with the stipulation that this is a fact-finding type deal and this is not binding us to join the JEDD. Randles said there is no doubt. We need to hear what the public has to say.

Smith asked Weltlich to attend the public hearing. He said he would. Smith said he appreciates it. Weltlich said you just tell us what you want.

Smith called for a five minute break.

Smith called the meeting back to order. The trustees signed the Resolution 08-08.

Attorney John Albers will be asked to attend the next meeting. Weltlich offered to ask Violet's attorney to attend the meeting as well at no charge to Bloom Twp. The trustees agreed.

FISCAL OFFICER REPORT: by Carol Moore

- **Motion** by Randles second Petty by to approve minutes of the 2008 Organization meeting and the regular meeting, both held 1/09/08. Motion carried 3-0.
- **Motion** by Petty second by Randles, to approve payment of bills in the amount of \$38,386.41 and Payroll/ charges in the amount of \$52,317.12 having been certified by the Fiscal Officer that funds are available. Motion carried 3-0.
- **Motion** by Petty second by Randles to approve inventory lists for forwarding to the FF County Engineers Office. Motion carried 3-0.
- Moore reminded the trustees of their meeting with the engineer's office.

NEW BUSINESS:

- Smith will contact the county engineer's office about Pickerington and Hummel Road bridge to see if it will be replaced.

OLD BUSINESS: None

ZONING & BOARD OFFICE REPORT: by Anne Darling Cyphert, Board Admin & B/Z Admin.

- Update on insurance: Cyphert reported there have been some obstacles in the new insurance plan, namely that it took over two weeks to obtain cards for personnel. She said she was disappointed she did not see more of a sense of concern over this from our new agent. She said the township will need to consider the type of agent support we get over the next six months to determine whether we will want to start a committee process all over again in the event the current arrangement does not improve. She is working with the agent to hold an

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employee meeting on Tuesday, February 12, at 6:30 p.m., just prior to the start of the trustee meeting. At the request of the trustees, she will obtain refreshments for the meeting.

- Change next meeting date: In order to attend the Violet Twp. Bicentennial Program, the trustees will move the next meeting.

Motion by Randles, second by Petty to move the next meeting to Tuesday, February 12, 2008 at 7:30 p.m. Motion carried 3-0.

- Report on legal action regarding yellow house in Greencastle: Cyphert and the Building Inspector will be in Franklin County Common Pleas Court February 5 at a criminal trial involving one of the people building the now abandoned house in Greencastle (the yellow one west of Amanda Northern Road, on the south side of Lithopolis Road).

FIRE DEPARTMENT REPORT: by Chief Terry Gill: New Medic issue still be resolved. Also the hero that saved the life of the Perrill Road family in their house fire is very humble and not sure he wants public recognition. He will get back to us on the issue.

ROAD DEPARTMENT REPORT: by Road Supervisor Randy Solt

- OPWC Kaufman Road meeting Wednesday 1-16-08. Meeting update. All parties met regarding the project and the gas line issue is being addressed. Solt is satisfied with the information agreed on at the meeting.

Note: Solt provided Trustees and Fiscal Officer with copies from County Engineer's Office on wording for the Bid Package and Cost Estimates.

- NAPA FILTER DAYS expenditure:

Motion to authorize the Road Dept. to spend up to \$2,000 for the NAPA Filter Days sale. Motion carried 3-0.

- Discussion regarding other OPW projects: Solt suggested we start now with a design plan for the rest of Kauffman and Brandt Roads. Deadline to apply for further OPWC funds is SEP 1.
- Randles said the Road Dept. has been doing a good job on the roads.

OTHER:

- Randles requested clarification in the minutes of the 1/9/08 trustee meeting under Public Comment, second bullet, last sentence. "A plumber will be on call in the event of an emergency" is to be replaced by "A representative of Northeast Ohio Natural Gas Corp. will be on call in the event of an emergency."

Motion by Randles, second by Petty. Motion carried 3-0.

- Petty reminded the trustees that public records training will be next week at OTA conference. Petty, Smith, Moore, and Cyphert are registered to attend the session.

OTHER:

ADJOURNMENT

Smith adjourned the meeting.

Joseph E. Smith
Chair

Carol J. Moore
Fiscal Officer