

RECORD OF PROCEEDINGS

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held

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SPECIAL MEETING 9-21-2021

All members of Council are present.

Guests: Denise Freeland, Sabra Lucas, Eric Williams. Also in attendance were Clark Battista and Phil Turske.

Call to order. Administrator Turske started off saying that at the last Council meeting they discussed Council's thoughts on the potential annexation of properties that would potentially be valuable to the Village in terms of green space, park space, and also potential development for housing. It was decided to bring in Attorney Eric Williams who is the "Guru" in this area. Conversations have been had concerning the available options for the McDaniel property.

Attorney Williams thanked everyone for having him to discuss the potential properties and the economic development. He has spoken with Phil regarding the annexation of potential school property as well as approximately 4 parcels in Columbiana County, which would be a regular annexation. Also, he will note some economic development tools that may be of interest to Council. He asked if Council had any questions to start with.

Councilman Boldizar stated that the large parcels that are now available abut to one of the nicer developments in the Village and is really the only area that we can get developed or get our hands on. It has always been his idea that we need more single-family homes to attract more families. Minerva is continuing to grow and we have a lot to offer so if we could get that area developed that would be ideal. So how and what can we do to make that happen?

Attorney Williams said that the big ticket items are the development of sewer and water. He has discussed how we envision that moving forward. He has worked with other municipalities that have clauses that say that if you do sign on to be hooked to water and sewer services, then you do agree to annex.

Councilman Boldizar worries if we have a say in how the property is zoned. Attorney Williams said yes, once it's annexed, absolutely. Attorney Williams said that prior to annexation, it would be subject to township zoning, if there is any. Mayor Tarbet said that West Township has no zoning. Mayor Tarbet said that his understanding is this is kind of the bait. That if a developer is interested, that's how he looks at recovering his investment because the water/sewer make it more marketable because they will be great building lots.

Councilman Boldizar asked if it was best for us to approach the current land owner to try to get that done now rather than wait until he has offers. Attorney Williams said sure, he'd start talking to him now and try to get him to annex so the property is more marketable. He can market it then as being in the village.

Councilman Hannan asked if Attorney Williams believes that the owner's price point is set for development purposes? Attorney Williams said that yes, it would seem that way. He doesn't believe the land would sell at that high price unless he has water and sewer. Councilman Boldizar is concerned whether or not he really wants to sell it. But those are things that we need to discuss with the property owner. Who handles those discussions? Attorney Williams said that they would be happy to sit down with him along with anyone from Council or the Mayor or Administrator. Councilman Hannan asked Attorney Williams if he would be completely against the purchase from the Village? Attorney Williams said he doesn't make policy decisions. If we had 4 great projects that were going to go there and we had them funded and in place, he wouldn't tell us not to. But we're looking to get development in, we can't do that if we buy it. It needs to be bought by a developer.

Mayor Tarbet asked other than water and sewer, what else makes it lucrative? Attorney Battista said that they would have police protection, especially since they are on the county edge. Attorney Williams said that's big, especially if it will be a neighborhood.

Councilman Boldizar says he only sees 40 or 50 acres that would even be able to be developed looking at the map. How do we then market that to a developer? Attorney Williams said the 3 key points are water, sewer, and police protection. If you were talking about a non-residential developer, you might have some more tools, but you could also use those in some residential ways. He hesitates to put those out there because the key ones are really the main selling points. If you go with some of those economic development tools, you do take a hit in flexibility as to where you can use some of those funds. For example, a TIF, you have to use those funds that are gathered on the infrastructure in the particular area, so roads, water/sewer, etc. That money no longer goes in to your General Fund, and so he would be a little hesitant about that just from a dollars and cents prospective. Now if Amazon were to put in a distribution facility, then we could look at TIFs, CRAs, tax abatements, etc. Mayor Tarbet asked if a neighborhood would fall under any type of tax abatement. Attorney Williams said it can but he would wonder if that's what is best for us. It's not something that he would offer up and all of the 3 incentives would pay for themselves. But he would look at it.

Councilman Boldizar worries about the land that can't be developed. He asked what the chances are that the owner would annex it because we control what would happen there. Attorney Williams said that if Amazon

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decided to come in, we could look at a zoning change. There will be some flexibility. Mayor Tarbet said in reality that area doesn't meet the road access for a large facility. The survey that the Chamber has been working on says that the major complaint is housing. We're just not sure what the owner's thoughts are. Attorney Williams said that if he's serious about the high dollar figure, we're the only game in town. If he wants to do that, he has to be real serious about annexation. Attorney Williams said that we need to figure out what his game plan is. And then we need to decide how we want that to look in the future in regards to water and sewer. Do we want to put something in place that says that if you want to hook up to water and sewer, then you agree to be annexed? It's a policy decision. Councilman Hannen asked how we handled that when we already have so many properties that are already hooked up but are outside the Village limits? Attorney Williams said that we will have to decide to we want to apply this to all going forward to just all extra-territorial users? The latter will have some issues. Councilman Hannen said that we could grandfather them in. Mayor Tarbet asked if a property that's outside of town has service currently, with no contract, other than we charge above our rate, is it binding? Attorney Williams said he doesn't want to give legal advice that isn't privileged.

Councilman Kishman said that we need to meet with the property owner. Attorney Williams asked who would Council like to do that? Mayor Tarbet said he thinks since there is no existing relationship with the owner, he believes it should be Attorney Williams and Administrator Turske. Councilman Boldizar said he would be more than willing to go also. Law Director Battista said that he cautions against the appearance of ganging up on him. It may be better with just 2. Mayor Tarbet said that we need to go with the information of what annexation means to the owner, including costs and any changes to his property. Mayor Tarbet wants to preserve that area to be residential housing.

Councilman Boldizar asked if there was a cost for the current property owner to annex? Attorney Williams said not if it's a Village sponsored annexation. The ORC allows for the Village to pay the filing fee and we can retain someone like Attorney Williams. There will be some income tax consequences to him potentially if he were to annex if he were to stay there. Mayor Tarbet asked about the process. Attorney Williams said the process runs through the county. The township can object or intercede. But a regular annexation would entail a hearing in front of the commissioners. Mayor Tarbet said that a residential area would be beneficial to the township.

There was some extensive discussion about how other areas have annexed without possibly meeting the requirements. Attorney Williams said that most of the time agreements are made. Mayor Tarbet said the reason he asks is because of the Woodale Allotment and St. Luke's. Attorney Williams asked what would be the goal? Are we looking for the income tax? Mayor Tarbet said they are getting water and sewer from us and they should be part of us. Attorney Williams said that would speak to the policy that was discussed earlier. Mayor Tarbet said that we gave them water and sewer before they built St. Luke's said that eventually they would have to annex. Councilman Boldizar said that area opens up a lot more possibilities for us in terms of land. Mayor Tarbet cautioned usable land. Attorney Williams asked what if there was a relationship between us and West Township Trustees? It was noted that the Woodale area would be Paris Township. Attorney Williams said that agreements can be made.

Councilman Boldizar asked about the Line St. property. Attorney Williams said that it is a pretty standard one as long as we have school board approval. It will be an Expedited Type 2 which means that you have 100% of the land owner's agreement to come in to the Village. Then it's just a review. Councilman Hannen asked what is our vision for that property? Councilman Meadows said we'd have to acquire the ballfields first. Councilman Hannen said the only reason we're discussing annexing the ball fields is to acquire the property up the road. He's not comfortable with it being residential. Councilman Boldizar asked if that property abutted the McDaniel property? Administrator Turske said no, there's one piece of property between them.

Administrator Turske suggested they discuss the Mr. Chaddock the possibility of annexing the ball fields portion of the school property and also to get in touch with Mr. McDaniel to start the conversation.

Attorney Battista said that more discussion was needed on whether we wanted to require annexation or if we wanted that to be forward only not retroactive? Administrator Turske said that there are some things in our ordinances that would need to be fixed. We do not have subdivision regulations in our ordinances. He asked Attorney Williams if that needed to happen immediately. Attorney Williams replied yes. Attorney Battista agreed. Administrator Turske asked what the best approach for Council to take on the ordinance with annexation if you want water? Attorney Williams replied probably to discuss what that means from a policy standpoint, what kind of backlash we may get, what to expect, etc. If it's just a moving forward issue, there's not much to consider, but if you're going to apply it retroactively, he would expect some pushback. Administrator Turske warned this could cause some political pushback. Councilman Boldizar said that he liked the term Councilman Hannen used before, "Grandfathering". Councilman Meadows asked if we could grandfather them in as long as they remain in the home and require annexation as soon as they sell it? Attorney Williams said that if we will require them to hook up to water or sewer service, then sure. Councilman Hannen agreed. Mayor Tarbet noted that would have fixed our problems with Metaldyne and those out there because they have changed hands several times. Administrator Turske asked what about if someone has their service shut off for nonpayment? He knows there

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are administrators out there who say in order to have the service reconnected, they have to annex. Councilman Hannen said that if they're struggling to pay their water bill, taxing them more doesn't make sense. Mayor Tarbet asked Administrator Turske to see if any of those properties not currently annexed are delinquent. We can't spot annex them. Attorney Williams said some communities have a proactive agreement that may never come in to play. Administrator Turske clarified that the tactic is mainly used for commercial, not residential. Law Director Battista said there could be residents who could be upset with us because those that are outside the Village are treated differently. Mayor Tarbet noted that portions of Valley St. are in and out. Technically our Police Dept. can't help them and an ambulance cannot go there. He believes that those people that live there should be informed of that. Administrator Turske said he doesn't want it to appear that we are strong arming anyone. Attorney Williams responded that if they ask why they should annex, here are the reasons. We have something of value here that they can't get anywhere else. Mayor Tarbet noted that we provide police service anyway. Carroll County will call us and ask us to go because they don't have an officer nearby.

Councilman Boldizar asked about the time frame? Attorney Williams said that getting meetings with the school and with Mr. McDaniel could be set up in the next couple of weeks, if they agree. As far as the other timelines, it will depend on the answers we receive from the meetings. Mayor Tarbet said that the ambulance cannot respond to an accident on the soccer field or there's no police service. Councilman Boldizar stated that we need to start talking about the subdivision ordinances and the policy ordinances. Administrator Turske said we can bring examples and discussion topics next week to the meeting to see which route everyone wants to take. The subdivision regulations may take a little longer because they may need to talk to an engineering firm first. Councilman Boldizar said we need to be transparent to the school board as to why we want to annex that property. It won't change anything for the schools.

Sabra Lucas said she didn't know what the special meeting was about but she knew it was to discuss the water and sewer issues. And this has nothing to do with what they've talked about tonight. She has patients at the senior center apartments and the water comes out black and smells of rotten eggs. She wants to know what can be done. Attorney Battista explained this was a special meeting so this is all we can expect talk about. Ms. Lucas was asked to come back to the next Council Workshop on the 28th to discuss this. Mayor Tarbet explained there was an automatic flusher down there.

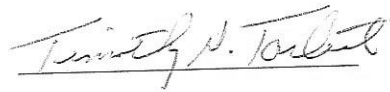
Motion to adjourn was made by Councilman Boldizar seconded by Councilman Hannen. All voted yea.

The next Regular Council Meeting will be September 28, 2021.

Attest



Patricia Willoughby, Acting Clerk of Council



Timothy N. Tarbet, Mayor