

VILLAGE OF COMMERCIAL POINT
COMMITTEE OF THE WHOLE MINUTES

June 17, 2013

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

Mr. Shelton made a motion seconded by Mr. Thompson to approve the May 20, 2013 COW Minutes. All members were in favor. The motion passed.

Solicitor Hess had nothing to report at this time.

Mayor Hammond had nothing to report at this time.

Engineer Grosse was absent – no report.

At this time Mr. Stephen Young, legal counsel for Ohio Department of Corrections, asked for a few moments of Council's time. He said he appreciated the opportunity to speak with Council once again regarding the proposed JEDD. He continued, and I quote *"It is our belief that the proposed JEDD does not comply with all the statutory requirements for the creation of a JEDD. Consequently the Department of Corrections is opposed to the JEDD because of its impact on potentially creating an income tax on our 1,100 employees at the Orient Correctional Complex. First, in terms of how the statutes are not met, the economic development is not there, in terms of the 1,318 acres of JEDD territory. One acre is available for commercial zoning and that is land owned by the Village, sorry by the Scioto Township. There are deed restrictions on that one acre that would not allow for industrial development only some minor commercial development, with respect to motels, hotels or strip mall, strip retail area. But clearly any job creation is very minimus to the one acre territory. Clearly the land of the Ohio Department of Corrections which is 1,317 acres, all but an acre and a half, cannot be zoned for commercial or industrial. Second of all, we believe that the contracting parties, shall jointly file with the Pickaway and Franklin County Commissioners, a petition that is signed by a majority of the owners of the property located within the JEDD. We believe that the Village and Scioto Township, who are the petitioners, are also the majority signatures to that petition. We believe that creates an apparent conflict of interest on the part of the petitioners. We, the majority land owners, who are not interested land owners, as within the intent of the statutes. So we believe on that basis, the County Commissioners could disapprove the JEDD contract because the proper documents have not been submitted before the County Commissioners. My office has reviewed eighteen of the most recently filed JEDD contracts for the Department of Development. None of the said contracts had contracting parties constituting the majority land owners approving the petition in favor of creating the JEDD. All of the contracts had land owners who were not parties to the JEDD contract constituting the majority land owners approving the JEDD position. This reasonable and representable sampling leads to the conclusion that JEDDs don't have contracting parties constituting the majority land owners approving the petition, as is the case here. JEDD's don't include land owners like the Department of Corrections opposing the conclusion in the JEDD. Third in respect to the statutory scheme is that the Township and the Village have decided to not submit it resolution or*

ordinance approving its JEDD contract to its electors for its approval at the next election. The decision has to be based on the following two conditions being met: The creation of the JEDD is composed at the request of the majority land owners included within the proposed district and the territory proposed JEDD is zoned in a manner appropriate to function to the proposed JEDD. I have just spoken to both of these issues and we don't believe that either one of the mandatory two requirements have been met. The JEDD area is not zoned for commercial use and the majority land owners are the contracting parties and not disinterested land owners. Thus the electors must approve the JEDD. Finally and in conclusion, the DRC's position is to convince the Council to disapprove the JEDD contract, but if approved, the DRC will oppose the JEDD contract before the Franklin and Pickaway County Commissioners, in order to seek their disapproval of the contract. Again, the JEDD does not serve the purpose of joint economic development. It is a tax trap against the 1,100 employees of the Orient Correctional Complex. That is not economic development. That is taxation without representation on the hard working, hard earning employees representing the Department of Corrections. Thank you very much for the time."

At this time, Ms. Gooden-Kinney called on Mr. Mike Struckman to see if he still wanted to speak to Council. Mr. Struckman asked that the minutes reflect he is here representing himself and not the Scioto Township Trustees as the Agenda states. He said he has information on the JEDD. First off, there has been eight attorneys that he knows of, that have looked over the proposed contract. He said they believe it to be a legal document. He said Mr. Young had been informed at a Township Trustee meeting that he was referencing the wrong section of the ORC when it comes to this proposed JEDD. Mr. Struckman feels Mr. Young is still using the wrong section of the ORC as to what is being proposed. Mr. Struckman said since there will be no further discussion on the JEDD at tonight's meeting. He had no further comments at this time.

At this time, Ms. Gooden-Kinney asked for any new business. There was no new business. She then asked for a motion to adjourn the meeting.

Mr. Thompson made a motion, seconded by Mr. Wissinger to adjourn the meeting. All members were in favor. The meeting adjourned.

Kimberly Gooden-Kinney, President of Council

Wendy Hastings, Fiscal Officer