

**Village of Commercial Point  
Special Council Meeting  
October 2, 2019**

Mayor Joiner called the meeting to order. FO Hastings took roll call with the following members present: Mr. O'Neil, Mr. Townsend, Mr. Thompson, Mr. Moore, Ms. Wolfe and Mr. Grassel.

Mr. O'Neil motioned to suspend the procedural rules, seconded by Mr. Thompson. All in favor, motion approved.

Mr. O'Neil asked to amend the agenda to add a 3a for Executive Session. Fiscal Officer Hastings advised that the executive session would have had to be on the posted notice for the meeting. Since it was not, the agenda of a special meeting cannot be amended.

**Legislation:**

First Reading:

**Resolution 41-2019** A RESOLUTION AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR AND/OR MAYOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO A CONTRACT EFFECTIVE IMMEDIATELY AND CONTINUING AS NEEDED WITH FISHEL DOWNEY ALBRECHT & RIPENHOFF LLP FOR LEGAL SERVICES AS VILLAGE SOLICITOR AND DECLARING AN EMERGENCY. FO Hastings advised both attorneys are present if anyone would like for them to give a presentation. Mr. Ben Albrecht introduced himself and Grant Bacon. He said they have worked labor employment law and personnel law. He said they were contacted about possibly helping with pending disciplinary matters. Mr. O'Neil asked is there are issues in their departments, there are certain ORC things that need to happen regardless if it is police officers or their chief, would their firm be willing and ready to represent both halves? He clarified, not as defense but help guide through the process. Mr. Albrecht said ordinarily that is where the conflict arises. He said normally they help guide council through the process and set up ground rules on how to resolve the issues. He said it is hard to sit ethically on both sides of the table. Mr. O'Neil said they are looking for guidance on how to go through discipline for a head of a department. Mr. Albrecht said they can provide the guidance for getting to the hearing. Mr. O'Neil asked if they have reviewed the information and if they are headed in the right direction. Mr. Bacon said it is according to the ORC and headed in the correct direction. Mr. O'Neil motioned to suspend the readings, seconded by Mr. Moore. Roll Call: Mr. Townsend-Yes, Mr. Moore-Yes, Ms. Wolfe-Yes, Mr. Grassel-Yes, Mr. O'Neil-Yes, Mr. Thompson-Yes. All in favor, motion approved. Mr. O'Neil motioned to approve, seconded by Mr. Moore. Roll Call: Mr. Townsend-Yes, Mr. Moore-Yes, Ms. Wolfe-Yes, Mr. Grassel-Yes, Mr. O'Neil-Yes, Mr. Thompson-Yes. All in favor, motion approved.

Business Item:

A) Approval/Denial of Request for Extension from Chief Jordan: Mr. Albrecht said under the revised coded, the process involves a request from the person the hearing is about, to extend the request. He said he thinks this is advisable in this situation because there is a lot to review and a lot of procedural issues that come up so they want to make sure all of their boxes are checked. He said an agreed date in the future is advisable. His recommendation is to accept the request and to reschedule this for a future date. Mr. O'Neil asked if the November 4<sup>th</sup> date listed works for them.

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Mr. Albrecht said it would work for either of them. Mayor Joiner advised the election is the next day and perhaps they should look two weeks out. Mr. Moore asked what time they need to set up for the election. FO Hastings advised it is not being held at the Municipal building this year. Council agreed on November 4<sup>th</sup>. Mr. Moore asked from a timing standpoint, is this something that will be accomplished in one meeting. Mr. Albrecht said it depends on how comfortable council is going late into the evening. He said many times these do turn into several hours and while they will do their best to keep everyone on task, it could get lengthy. He said if they can start earlier than 7:00, it would be advisable. Mr. O'Neil asked if they can trim the agenda. FO Hasting said legislation will still need to take place but could possibly trim business items. Mr. O'Neil made a motion to approve the extension for Chief Jordan to November 4<sup>th</sup> at 6:00 pm, seconded by Mr. Thompson. Roll Call: Mr. Townsend-Yes, Mr. Moore-Yes, Ms. Wolfe-Yes, Mr. Grassel-Yes, Mr. O'Neil-Yes, Mr. Thompson-Yes. All in favor, motion approved.

B) Presentation by K-Nova- Mr. Ryan Scribner addressed council. He began by advising he is not representing K-Nova, nor is he on retainer. He said he represents the Pickaway County Progress Partnerships. He said he was asked by them to offer a few comments. He said he understands the village does aspire to have a new development than what they have had before, such as a mix of industrial and commercial which would bring jobs to residents and students. He said it would also provide a new tax base and balance to the residential growth around the village. He also discussed the creation of the CRA area which gives the opportunity to partner with private areas for competitive economic development. He said to take the next step is the infrastructure and accessibility. He discussed the differences in development between residential and commercial/Industrial in regards to infrastructure. He pointed out that residential developers are coming to us because of the community, schools, accessibilities, etc. which gives us leverage. He said industrial, the conversation flips around. He said there are thousands of communities competing for them. He said the way we move forward is private/public partnership. He said we have a private developer who has already purchased the ground, he has expressed interest in pursuing the type of development the property has already been zoned for, at their risk they have spent a lot of money on the due diligence process and began the preliminary design and engineering around the utilities, infrastructure and accessibility and have begun marketing the property. He said they have asked for in support and partnership is a blanket CRA agreement and reimbursement for public infrastructure investments that need made on the site to make it ready through a TIF deal. He discussed the CRA. He said the market rate generally starts with a 100% and 15 year abatement. He said Teays Valley has approved a compensation agreement. He said it is a fee based on square footage of the facilities that will be built. He discussed the TIF. He said the TIF is a financing tool for infrastructure and is based on increased value. Mr. O'Neil asked in other areas that he works in, how soon does the legislative body receive the documents then need as example final drafts or the negotiations. Mr. Scribner said it varies. Mr. O'Neil said they are being asked to vote on the CRA on Monday but they have not received the final copy and he is not ok with this. FO Hastings said it will be tabled because they need to send notices to the schools 14 days prior. Mr. Moore asked if the Fire Department has been made whole or is this typical. Mr. Scribner said he has not been involved in any direct deals with this process. He said he has not been asked to be involved in any conversations with the Township Trustees.

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Mr. Don Plank, Attorney for Kenmore addressed council. He said they are not looking tonight to do any negotiations. He said they felt it was time to get information to them because they will need to make some decisions. He gave some history on the project. He said the annexation was completed in three separate annexations. He said they entered into a pre annexation agreements where there was minimum reimbursements by the village and TIF's. He said they always thought they would sell to three or four developers but fortunately they have been able to sell to one developer. He said he does not do TIF work but they have an attorney there who does TIF work. His "non" lawyer info on TIF is they have asked and created a CRA 15 year 100% tax abatement, entered into an agreement with the school district. He said Kenmore agreed to step up and pay a one time fee of \$300,000 to the school in addition to some over the period that development occurs to protect the villages income tax. He said they want the right to assign those CRA rights to the developers. He said the issue was, they had it where administration could make that decision. He said it was raised that council should have that input to determine if it can be assigned to another developer. He said over the CRA is a 30 year non-school TIF. It means the school will continue to receive the taxes, the rest of the TIF dollars come to the village and will be distributed to the TIF agreement, which they have not received yet. He said what is important is they will be taking the money the county commissioners would be taking and spending all over the county. He said the whole idea with the TIF is since this area is where the developments are occurring the state legislature came in and provided a mechanism where the municipality impacted can decide where the funds will be directed. He said Kenmore will build the roads, improving State Route 104, sanitary sewer and water extensions and will ask for reimbursements. He said there are negotiations continuing. He discuss the projections they anticipate the funds the village will receive. Mr. O'Neil asked who wrote the document distributed by Mr. Scala. Mr. Plank said they wrote the initial negotiation, then the cities response then the language of the TIF document. Mr. Moore asked a few clarifications on the document distributed by Mr. Scala. Mr. Moore asked VS Hollins if the response was coming from his office. VS Hollins said no, he is providing the guidance to the administration but the team is doing a great job at compiling the points and funneling them through him. He said it is good time to check in with council and get their feedback, especially about the CRA. He said they have asked them to talk to the Township.

Mr. Bill Scala addressed council. He discussed his concerns. He discussed perspective buyers who are looking to close. He said they are willing to take all of the risk away from the village. He said if the village does incur any cost, they will get reimbursed from the TIF first, but we need to be competitive. He discussed the tap fee cost in the village vs Columbus. He said the first buyer wants to build two large buildings. He said the burden on the village should be minimal. He said originally they asked for CRA and TIF to go thru concurrently. He said they uncoupled them because the CRA was ready for the most part and they needed to get it moving. He said there was no intent to mislead, because after delay with the schools they are behind. He said they felt they were there in the last meeting but there were issues with he notices so there still need to wait for the final reading. He said administration has met with the first buyer. He said they hope to get to know the community better and be good stewards. Mr. O'Neil asked in Mr. Scala's opinion, are they at the goal line with administration with the CRA. Mr. Scala thought they were done, it was contingent on final TIF. Mr. Connolly said they are tied together but nothing says you have to do them together. Mr. Thompson

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asked when they will receive the final copy of the CRA. FO Hastings advised it is still not complete. She said administration asked for 10% payment with no cap and were told no, that would not happen.. Mr. Connolly said the revised code says the annual fee is equal to 1% of the value of the incentives but capped at \$2500. Mr. Thompson asked the purpose of the village asking for more. VS Hollins said these deals are easier to do if the income tax is 2% or 2.5%. He said there will be burdens on other roads in the village and they will have a stream of revenue to help. He said it is tougher to do in .75%. He said it goes to a specific fund, whereas this can go to general funds. Mr. Scala said they submitted every other CRA around Columbus to review. Mr. Hollins advised most of those have at least a 2% income tax. Mr. Hollins said it is typical to provide a blanket CRA. Mr. Moore asked Mr. Scribner in his experience does he typically see that fee/percentage increased. Mr. Scribner said Solicitor Hollins is correct in municipalities where there is a higher tax code it can be easier to not seek other recourse for revenues, but a lot of jurisdictions where there is a higher tax codes, you are splitting it with the schools. He said that brings the numbers down and in this case they are not splitting with the schools. He said the 10% and payment to the schools puts this abatement into the 70%, which is not competitive. He said from his perspective, 10% with the school agreement is not competitive. Mr. Moore asked if he sees a % being attributed back aside from the 1%. Mr. Scribner said most of the deals in Pickaway County has the baseline fees. Mr. O'Neil verified originally it started at 1%, the village asked for 10%, he asked if they have sat down and thought of something they would be ok with? Mr. Scala said they want the standard 1% and when they left the meeting last time they thought they were in agreement. Mr. Plank said the TIF is where the dollars are. Mr. Thompson asked who decided on the 10%. FO Hastings said as a group, Mayor Joiner, VA Crego, US John Thompson, Engineer Grosse and herself. Mr. Moore asked if they determined a different number after the 10%. FO Hastings said yes. VS Hollins has not transmitted that yet, the number is 2.5% with no cap. FO said if council said they don't need it that is their decision, they are just trying to do what is best for the village to make sure everything is covered. Mr. Thompson just needs an understanding why the jump in numbers. Mr. Moore said he believes the difference in the TIF and CRA is immediate dollars vs future dollars and they are looking at potential concerns for construction traffic damaging roads, waters infrastructure, etc. Engineers Grosse said there will be certain expenses as Mr. Moore expressed. He said he put the number in there to help generate the money for the village but if that is not the right place for it VS Hollins can advise. He said he also mentioned upfront payments from K-Nova to help offset some of those things in the initial phases. He said the intent was to get the front end of this covered and make the village is properly covered. He said this board makes the final decision. US Thompson said as a whole administrative goes into these but they go into it for the village. He said everyone has their own opinion. Engineer Grosse said his goal was to make sure the village has money upfront. He said his choice of the pot to take the money out of might have been wrong but at no time was it ever mentioned they could tap this front end money. He said this takes care of their concern and they can feel comfortable telling council with that assurance they are ok with the CRA agreement. Mr. O'Neil asked the purpose of the money. Mr. Thompson said it will go in the general fund. Mr. Moore asked if there is anything we can do to help negotiate and help with this process even if it allocating additional funds for a development attorney to help move the process along. Mr. Moore asked what we need to do from our end to help. VS Hollins said this can be handled on an hourly basis, which can be reimbursed through the TIF. He said it would give him the ability to get

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help in his office. Mr. Thompson confirmed the money we pay now does not cover it. VS Hollins said it is being drained on a lot of other different issues. Mr. Thompson said it should be relieved after tonight. Mr. O'Neil said he still does not understand what administration wants the upfront money for the general fund and what they plan on doing with it. Engineer Grosse said waste water, cost for design, additional cost the village may incur for police coverage, road repair etc. Mr. Moore said as soon as construction begins we will have to start patrolling immediately, that is a cost. Engineer Grosse said he believes they are in agreement now to bring final agreement to council on October 21<sup>st</sup> to move ahead with the CRA. He said they will finish negotiating with K-Nova. Mr. Scala said the three readings on the TIF puts us past the timeframe. Mr. Grassel asked VS Hollins if he has an anticipated idea of what he is going to require to accomplish this hourly. VS Hollins said he can get something together.

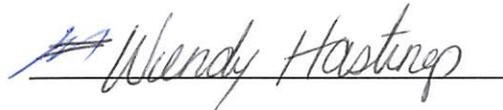
Adjournment:

Mr. Thompson made a motion, seconded by Mr. O'Neil to adjourn. All in favor. Meeting adjourned.



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Gary Joiner, Mayor



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Wendy Hastings, Fiscal Officer

\*\*Minutes provided by Paula Baldwin, Administrative Assistant.