

Bob said Brandstetter Carroll reduced their cost for designing Main Street Park since we only need the area we can do with the ODNR grant money.

Craig said that River's Crossing is asking for a re-plat that will allow for Chic Filet, White Castle, Firestone and multi tenant building.

Bob said that Bernie's Place is scheduled for May 27th to look at their conditional use permit renewal.

He said the hydraulic study is complete and Cincinnati Water Works is looking for a contract. Keith will review and present at the 21st meeting. Dave is here for any questions. Dave stated council should take them home and take time to read and digest before next meeting. Mayor Smith said we will still own our system but can service other areas without building another tower. Keith stated we will have the ability for capacity for future growth. Carbo asked if we would get a hotel would we need this to service and Mayor Smith said we have enough to service what we have going in now. It was asked if maybe we could reevaluate costs for residents in the near future and the mayor said yes. Pros and cons were discussed and it was stated we will still use our current tower. Madison stated that this is because it will be a necessity to ensure we meet our future growth and the mayor agreed. Dave stated that council needs to ask a lot of questions and it is their experience this is good for municipalities to get out of the water business but it is a big decision. He said the hydraulic study is a building block for the village and can be used for other projects and built on. He said a representative from the water works and he will be at the meeting on the 21st.

5. Solicitor Nixon said he has concluded reviewing the ordinance pertaining to the fire department with our consultant. If they would decide to redraw the district like they have threatened to do I want to share what I have found concerning that. Council and the mayor have said we are going to pass the resolution at the next regular meeting to allow negotiation with the township. However, through our investigation, it looks like back in the 50's or 60's records show it looks like it was a joint district. But somewhere it has evolved and it is now clearly the townships fire department. The levies are in their name and they control the fire department. We have found no resolution to show it was a joint formed district. First thing is we can talk with them and try to resolve this issue. If that does not work or they decide to redraw the lines, under 505.37 the township is the fire department and required to provide fire service to the entire township. They can do what is called a township fire district and in doing that they can redraw the lines to provide or exclude areas within the township and maybe the city. I say maybe the city because it is not real clear because the only cases we found dealt with the townships and not the cities, so it has never been done. An instance where it was done a county dealt with an MRDD facility, which does not pay taxes. So

what the township did was drew the MRDD facility out of the district and then contracted with them to provide the service. Nothing where they have ever cut out a portion of the municipal corporation. Whether they can or can't would be a law suit. I think they probably can, I'm not comfortable a court would not tell them they could cut a portion out. Options if they do create a township fire district it would take a simple majority through a resolution for the city to withdraw from the fire district. If the village would do that on the first day of July the following year, all of the levies that they currently have that are within the village would be removed. This means they would loose all the revenue from the citizens of the village. Not only that but 505.37 also says that upon withdraw of a municipality from a township fire district the county auditor shall ascertain a portion and order the division of the funds on hand monies in taxes in the process of collection except for taxes levied for payment of debt. Well, none of the levies are for debt therefore any of the taxes that are in the process of being collected from the village would then be divided based on the property evaluations of whatever the property value of the village would be which could conceivably be 50%? So not only do they lose that levy but would have to take cash on hand being collected by the auditor's office and it would be divided with the village. Council member Young stated they would basically be cutting their own throat. Keith said essentially what we would do is with their levy gone we could put on a levy that could be considerably less. Madison asked what portion of their budget the village represents and Keith said he always uses 50%. So essentially you're looking at a situation where in addition to the money from the TIF originally offered to them to provide a building and a fire truck could be used by the village to purchase equipment. So you do have a lot of option should they choose to go in that direction. Madison asked if they would cut the development out are they required to enter into a contractual agreement with us to provide service? Keith said we are required through the TIF to provide fire and EMS to that development or we could be sued, but the township is not. However, the developer could sue them. The township receives taxes and let's say they draw out the development, the property was sold for about thirteen million and they are receiving levy money with value at thirteen million, which before it was valued as agricultural and they were getting nothing from it. Madison stated they are getting an increased tax value and Keith said yes but what they are not getting is an increase as the appreciation of each improvement is done. Mayor Smith said if they pull the development out then when the TIF expires they would loose that increase because they can't go back and the village would receive it. Madison asked if we could use this in our negotiations and say if you do cut it out will you contract with us and give us a fee for providing service to us and Mayor Smith said we need to be careful what we ask for because we could be going down a path and Keith stated that essentially the village residents already pay the levy and if you start dipping into the general fund then it is like double taxing the village residents. Madison said if we are required to provide service to the development are they

not the closest and Holloway said there is one at the Highway Patrol and Keith said we could contract with anybody. Mayor Smith said we can contract with any one and then in an emergency the township would respond under mutual aid. Keith said we can provide fire and EMS just for that specific area. Sturtevant asked if the township knows these things and Keith said after the passage of the ordinance he will contact the prosecutor's office and lay out some of these options but wanted to let council know what we found out. Keith said that the village can decide to withdraw as well. Carbo said we are at this point because of a fundamental disagreement on how they should be paid for coverage of the development and the new apartments and Keith said yes. Keith said they are saying that because of the TIF and redirecting of the tax money above the thirteen million, they are not getting what they could be. Sturtevant said at the last meeting he attended with the township they had an agreement so what happened? Keith said Don had a heart attack and we were simply waiting on the new administrator to be hired. Mayor Smith said it was uncovered that the township receives additional revenue that goes into their general fund above and beyond the mileage. He said we are not sure how much money that is but we have been told there is an amount of mileage the county can put on without going to the voters by state law. So this village pays a percentage of this so they operate on their general fund with village money – he asked if anyone knew of any project they committed to in the village and it was said no one ever remembered anything like that. Mayor Smith said just reverse it and say the village received money from the township residents and we use it for the entire village every day that would be the same concept. Mayor Smith said it is not just here it is all the townships and villages. It was discussed about Mason and Deerfield Township. Keith stated a third option is to become a paper township. He said that would remove the village from the township and stop the revenues from the village to the township. Mayor Smith said if they are receiving money above the levies and in their general fund what is being done with the money. Keith said the problem with the paper township is that as a village you would need the consent of the commissioners and I can't imagine you would get that. If you become a city then the commissioners don't have the authority to stop you. Keith said he would imagine you would take baby steps before taking that action. Carbo said she would not recommend council act in the rash manner that has been displayed. Mayor Smith said we are going forward with negotiations and we have always had a good relationship with the township residents. Carbo asked are we going forward with some type of resolution and negotiations and Keith said yes. Keith said as far as the vehicle for the Sheriff's Department we passed our resolution so now it is up to the township how they proceed. Carbo asked if they have done it in the past why would it be different now and the discussion was no one knew why. Keith explained he spoke to the prosecutor and said he was told that this was the way the agreement needed to be but may not have been privy to the old agreement and needs for the village. Carbo said she was told straight up a lot of time went into this with an attorney and that it was very intricately formed for some

reason. Keith said maybe those were the terms they wanted and Craig said now they know our take on those terms. Carbo said she would like to see us come to a resolution and not have to take these steps at the same time we need to know where we stand. Madison said he would like to commend the mayor and solicitor for all their work on this matter.

6. Council member Madison asked could we mow the park at the end of McKinley and Bob said they would take care of it.
7. Council member Carbo asked with all due respect that special meeting announcements be emailed as well for those who do not use the door they are placed in. Fiscal Officer Louallen and Administrator Craig said they will between the two remember to email.
8. Council member Sturtevant asked what the fluorescent ribbons on poles in Vista Ridge are for and Bob said they are the ones that Duke Energy need to repair.
9. A motion to adjourn the meeting was made by Holloway at 8:17 p.m., seconded by Young, all yeas.

Sharon Louallen, Fiscal Officer

James D. Smith, Mayor