

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Trustees Special Meeting

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

Held _____ June 28, _____ 20 _____ 2022

The Etna Township Board of Trustees met on Tuesday, June 28, 2022 in the Etna Township Administration Building for the purpose of conducting a special meeting. The meeting was called to order at 5:00 p.m. by President McKee. Jeff Johnson led the invocation and Rozland McKee led The Pledge of Allegiance. Roll call showed Trustees Jeff Johnson, Mark Evans, Rozland McKee-Flax and Fiscal Officer Julie Varian present.

Trustee McKee moved to adopt the June 28th Special Meeting agenda as posted. The motion was seconded by Trustee Evans. Discussion: Trustee Evans requested limiting special meetings. The motion passed by unanimous affirmative vote.

Public Comments

Theresa Ogershok of 484 Trail West discussed Etna Township fronting all the expenses to form this group and does not feel the tax dollars should be used for this because it is only helping the developers and not the citizens.

New Community Authority (NCA)

Resolution 22-06-28-01: Trustee McKee moved “A resolution approving a form of Declaration of Covenants, Restrictions and Agreements and an Intergovernmental Agreement between the township and Etna New Community Authority District A and authorizing one or more members of this Board of Trustees to sign such instruments on behalf of the township and authorizing actions in support of such approval” as presented. The motion was seconded by Trustee Johnson.

Discussion: Trustee Evans had several items and requested information from the township attorney on this. Attorney Kip Wahlers with Ice Miller was present to answer questions. Trustee Evans stated on the second page section two where “this board approves and authorizes any member of this board and any employee or representative of the Township to take such further action” and questioned if this is too broad. Kip Wahlers stated this standard language and when any board adopts a resolution for a purpose, but it can be narrowed if the Board of Trustees chooses. The Trustees discussed this language. Trustee Evans discussed the Community Authority Cooperative Agreement on page two, number three expenses “In consideration of the Developers provision of services here in the township is to pay the Developer solely the amount received by the township in payment from the NCA in the amount of twenty-five hundred per year to be paid each year”. Mr. Wahlers explained since the township is not receiving any funds at this time there is no obligation to pay those fees until those amounts are received. This was something that was negotiated with Mr. Sabatino basically stepping up and serving as a Statutory Developer which the township needed to have and this was compensation for his time and effort in doing this, which has been substantial. The alternative was to have Mr. Wahlers be the Statutory Developer and it just wasn’t something that was done. This will be reimbursed from the NCA. The IGA is what was discussed prior and Trustee Evans had a question on the second page and there is a “with” missing in 3A. On the B regarding the out of pocket expenses, legal costs, which will all be reimbursed by the NCA. On page two in Section 3 paragraph under D there is some plural “Trustees” that need to be corrected. Trustee Evans discussed the expenses be covered by the township and feels the way it is stated is ambiguous and recommended “Expenses be covered by the township pending collection by the NCA” because as written it seems like the township will cover the treasure expense and the indemnity of the developer but then underneath it mentions administrative expenses. Kip Wahlers does not expect those expenses and how this is intended is that the NCA will use their funds first and any expenses covered by the township would be reimbursed by the NCA. Mr. Wahlers will clarify this section. Trustee Evans discussed some other areas for clarification and did not require modifications. Kip Wahlers explained the process for reimbursements and how the township priorities work along with the residential developer charge which is used for him to reimburse himself. The township has this locked down to be used for community facilities that the Trustees decide on. Trustee Johnson clarified the twenty-five thousand is an operating reserve for their expenses. Trustee McKee verified when the money will start being collected and Mr. Wahlers stated if the Declarations is filed, and all the property owners sign the Declaration the hope will be to get this in by August for collection and should be by the beginning of Fourth Quarter 2022. Bill Vance stated that once the township does start collecting in the commercial area it will be approximately one hundred and eighty-three thousand dollars and when everything is built out it could be increased to two hundred and forty six thousand dollars and this is without the residential two mills. Mr. Wahlers stated there is an additional property associated with Exeter once it gets completed because they are receiving incentives from the township and the township is obliged to bring anyone receiving CRA benefits into the NCA. This would be found in the Core5 agreement. Trustee Evans presented some questions on the Declarations on page ten, section 5.04 regarding the fixed nine cents per square foot fee and discussed inflation over time whereas in the residential area they will keep up with inflation and discussed where the evaluation can be waived or reduced but there is nothing to increase it.

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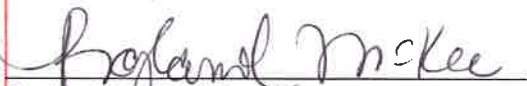
Kip Wahlers explained this is what was negotiated and does not know if this can be modified now but does not believe it can be changed. This might be negotiated with someone new to the NCA but not the current developers. Without leverage or a reason to do it the current properties will most likely not agree. Kip Wahlers will have to think about this and get back with the Trustees. The Trustees can't agree to have a developer come in and pay less because of the agreement with Core5 but can ask for more. Trustee Evans recommended a modification of an "or" to an "and" that Kip Wahlers will make. Trustee Evans discussed the township appointing three people to the board and if they should represent the interests of the township. Kip Wahlers stated under the NCA law they represent the interests of the quote developer, under the Cooperative Agreement the township has the right to direct the Statutory Developer to appoint two of the three members. Under those circumstances they should be representing the interests of the township. In this case Ron Sabatino was the Statutory Developer and then it was agreed that the other two representatives would be RJ Sabatino and Mr. Haines, who is employed by T&R Properties. The Statutory Developer always has one that he chooses.

The motion passed by unanimous affirmative vote.

Park Property

John Singleton provided an update on the park properties and the JBW Property is scheduled to close on Friday, the Garon property will close either on Thursday or Friday, and the approval of the Development Plan from Licking County will need done for the Langel property to be closed. The Snider property will be closed by this Friday and July 1st is the deadline. Everything will be done.

Trustee Johnson moved to adjourn at 5:36 p.m. The motion was seconded by Trustee McKee and passed by unanimous affirmative vote.


 Rozland McKee, President


 Julie Varian, Fiscal Officer

All the resolutions as presented are on file with the Fiscal Officer.