Review

The Commissioners met at 9:00 a.m. to review legal issues and pending or future action items and correspondence. Commissioner Levacy called the meeting to order with the following Commissioners present: Steve Davis, Dave Levacy, and Jeff Fix. Also present were Carri Brown, Rachel Elsea, Tom Lininger, Joshua Horacek, Tony Vogel, Dennis Keller, Jake Tharp, Mark Conrad, Chief Lape, Jeff Barron, Dave Burgei, David Miller, Jeff Porter, Ray Stemen, Rick Szabrak, Branden Meyer, and Aunie Cordle.

- Welcome

- Legal Update
  a. Timbertop Annexation Procedure Update – Memo Received from Assistant Prosecutor Horacek

  Mr. Horacek reviewed the memo regarding the procedures for the annexation hearing and answered questions. Mr. Davis asked who was eligible to conduct cross examination, and Mr. Horacek replied that only necessary parties (the petitioner, Greenfield Township, and the City of Lancaster, along with the Board) could cross examine witnesses. Mr. Horacek confirmed that those presenting evidence would be under oath and that objections would be ruled by the presiding Commissioner subject to appeal to the Board of County Commissioners.

- Administration and Budget Update/Carri’s List
  a. Announcements

  November 21 – Elected Official and Department Head Roundtable

  November 23 – National Adoption Day – Juvenile Court

  November 28, 29 – Thanksgiving Holiday – Offices are Closed

  December 8 – Township Association Meeting

  December 10 – Holiday Open House

  December 24 – Close at Noon

  December 25 – Christmas Holiday

  (Thanks to maintenance staff for putting up the holiday decorations.)

  b. Highlights of Resolutions

     Dr. Brown provided highlights of 21 resolutions planned for the voting meeting.

     We proposed a resolution authorizing the approval of a license for use of property by the All Accessible Sports Complex & Park, Inc., for the creation of an all-accessible sports complex and park at the location of the Board of Developmental Disabilities at property near the Forest Rose School. DD will approve all plans and work with the organization on the project. Work will begin only after that approval and only after the proper insurance certifications are in hand.

     Juvenile Court proposed renewal of Sentinel contracts.

     The County Engineer proposed changes to bridge load ratings. The County Engineer also proposed approval of a resolution to approve a Change Order for the Leib’s Island Road and Sellers Drive Improvement Project.
There were financial and grant related resolutions to approve, such as:

- A fund to fund transfer of cash from the Clerk of Courts Certificate of Title fund to the general fund for 2019;
- JFS proposes repayment of an advance;
- Appropriations from unappropriated funds for Juvenile/Probate Court, the Sheriff, Utilities, and the Engineer (six resolutions);
- Interest credits for the Board of Health and Parks District;
- Account to account transfers of appropriations for JFS and the Commissioners to properly classify expenditures (three resolutions);
- Reimbursements by operation of law for JFS (three resolutions); and
- The payment of bills.

In queue, there were several resolutions.

For example, JFS will be proposing approval of contracts for protective placement in network, IV-D contracts (for child support hearing officers); and transportation.

Common Pleas Court will be proposing renewal of the Sentinel contract.

For Thursday of this week, we expect resolutions for the electronic idea box honorees, to reappoint Airport Authority Board members, to approve agreements for services with Functional Training, and to approve a contract for protective placement in network.

For next week, we will have the resolution for the Airport related debt which is being converted from internal debt to external debt.

c. Administrative, Program, and Budget Update

**Administrative Approvals**

The review packet contained a list of administrative approvals. No questions were posed.

We are planning a press release for the opening of the Baldwin Facilities and Emergency Management Complex in December. The first formal events at the new complex will be a regular meeting, roundtable, time with the Commission, and tours on February 6.

Dr. Brown reported the conference session for the National Association of Social Workers (November 14th) went very well. She included a page from the conference booklet in the review packet.

Participants were very engaged in the discussion about organizational citizenship behavior, job satisfaction, and turnover for protective services workers and similar populations. During a roundtable discussion, participants were impressed with the county’s implementation of 20 recommendations addressing the strategic theme of recruitment and retention of employees.

Dr. Brown attended the Board of Revision meeting on November 15, 2019. The market values for all property classes of new construction for TY2018 was $142,257,780. For TY2019 the new construction market value was $189,505,400. This is an increase of 33%. About half of new construction was in the Violet Township area.

The parking lot on Main Street is nearly ready to be opened for use.
MAGNA will begin its main hiring in January 2020, instead of December 2019, as previously reported.

**Budget Update**

We will continue to monitor revenues and expenditures.

Performance assessments are due November 30 (unless negotiated otherwise).

November 25th is the deadline for final access to budget entry (level 4).

The projected date to pass the appropriation measure is December 10, with a back-up date of December 17.

From a general fund perspective, we had only one department to update as of November 18th. On November 18th, the County Coroner provided information resulting in an administratively recommended departmental budget of $477,028 for 2020, or 10.62% above the current budget. The $477,028 is $3,841 over the previous proposal, which was adjusted to include independent contractors, as opposed to employees, for the deputy coroner and investigators. Also, for employee(s) contemplating retirement, appropriations for sick leave payout were added.

For the County Coroner, the contract services line now includes projections for a deputy coroner ($21,916), investigators ($72,220) and other contracted services, such as autopsy services ($115,000). Salaries include those for the administrator, assistant to the coroner, and the chief investigator, who will monitor contracted services. Overall, an approximate $25,000 above parameters is recommended to allow for additional services.

From a county wide perspective, the total budget will be about $186 Million.

Also, we are not making any adjustments to the court-appointed attorney fees just yet. We will need to monitor those accounts.

We reviewed revenue reports and made no adjustment to the planning tool.

We opened the responses to the request for proposal for housekeeping on November 14th. We plan to continue the contractual relationship we have with ServiceMaster.

d. November 21st Roundtable

The Board of County Commissioners will be hosting an elected officials and department head roundtable meeting on November 21 at 8:30 a.m. in the hearing room.

The review packet contained an agenda for the roundtable meeting.

e. BRAVOs

Congratulations to the FCFACF Council Firefly Award Winners. The Firefly Award recipients for 2019 were:

- Jenna Dodson, Fairfield County Department of Developmental Disabilities
- Jessica McCoy, The Recovery Center
- Kate Varga, Fairfield County Job and Family Services
- Elyssa Wanosik, Fairfield County Job and Family Services
- Debra Bates, Lancaster City Schools
- Lt. Shad Caplinger, Ohio State Highway Patrol
Commissioner Levacy, Carri Brown, and Aunie Cordle attended the annual breakfast. A copy of the FCFACF Council annual report was in the review packet.

Thanks to Rick Szabruk and Steve Wigton for presenting in Columbus about the career readiness program.

Bravo to Jason Dolin, BOR Administrator, for preparing a BOR Practice Handbook. This is a useful tool to improve organizational knowledge.

- **Old Business**

  a. **Court Appointed Attorney Fees**

  Mr. Davis reported that he presented to the Bar Association on November 14th. There were a number of attorneys representing the indigent defense attorneys. He reviewed the proposal and presented the math showing if the state reimburses at 70% the county will see a $300,000 benefit to the general fund. If the reimbursement rate is 60% it would net the general revenue fund $86,000. Historically, the reimbursement has been lower than what the state has said it would be. If the Commissioners increase the rate to $60 at 60% reimbursement, the GRF would lose money. Mr. Davis gave the bar association the option to accept his proposal and continue discussions over the next year or to reject the proposal. He sensed the group’s desire for flexibility with the proposal, but Mr. Davis stood firm in what was offered.

  Mr. Levacy asked if the bar association understood the consequences of rejecting the proposal.

  Mr. Davis replied that they were aware that the Commissioners would continue as is if they rejected the offer. Mr. Davis added while every member of the judiciary has said “if it’s not broken, don’t fix it,” there are storms brewing throughout the state, and the state is expected to crack down on those counties it perceives as having rates that are too low.

  b. **Law Library Board Vacancy**

  We received an application from Mitchell Harden, Assistant Prosecutor for the City of Lancaster, to serve on the Law Library Board, and have reached out to set a time for him to meet with the Commissioners.

  c. **Meeting with Licking County Commissioners**

  Mr. Davis stated the Commission expected a joint meeting with the Licking County Commissioners at 2:00 p.m., but it appears two of the Commissioners are ill. Mr. Bubb is still planning on attending. Mr. Davis looks forward to the meeting for an attainable solution and payment model relating to the MCJDC.

  d. **JFS Holiday Drive**

  The donation drive is under way. They will be highlighting donors and families on social media this year.

- **New Business**

- **General Correspondence Received**

  a. **CORSA Memo**

  Mr. Porter will attend the December 4th meeting.
b. CFLP 3rd Qtr Combined Education & Recycling Contract Report

- Calendar Review/Invitations Received
  a. Columbus Region Economic Development 411 – Friday, December 6th from 8:30 a.m. – 1:30 p.m. at the Ohio Union at the Ohio State University
    1. Commissioners Fix and Levacy will attend. Rick Szabrack will also attend.
  b. FYI
    a. Jail Population – 290
    b. FCC Notice re: MARCS tower
    c. Department of Youth Services Notice re: Juvenile Court Grants
    d. Department of Commerce Notice re: Objections to Renewal of a Liquor Permit
    e. Stuff-A-Bus Campaign – Now through December 11th

- Open Items (none)

Commissioner Levacy stated at 9:36 a.m. that the Commission would be in recess until the 10:00 a.m. Regular Meeting.

Commissioners' Regular Meeting

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, November 19, 2019 beginning at 10:00 a.m., with the following Commissioners present: Steve Davis, Jeff Fix, and Dave Levacy. Also present were Carri Brown, Rachel Elsea, Staci Kneisley, Joshua Horacek, Tom Lingenber, Jeff Porter, Ray Steren, Dennis Keller, Rick Szabrack, Tony Vogel, Loudan Klein, David Miller, Jake Tharp, Jeff Barron, Chief Lape, and Branden Meyer.

Pledge of Allegiance

Commissioner Levacy asked everyone to rise as able, and he led the Pledge of Allegiance.

Announcements

Commissioner Levacy asked if there were any announcements.

Public Comment

Commissioner Levacy asked if anyone from the public who would like to speak or offer comments.

There were no public comments.

Approval of Minutes for Tuesday, November 12, 2019

On the motion of Jeff Fix and the second of Steve Davis, the Board of Commissioners voted to approve the minutes for the Tuesday, November 12, 2019 Regular Meeting.

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jeff Fix, Steve Davis, and Dave Levacy

Approval of the Clerk of Court - Legal Resolution

On the motion of Jeff Fix and the second of Steve Davis, the Board of Commissioners voted to approve the Clerk of Court – Legal resolution to approve to declare a surplus for the Clerk of
Courts Title Fund #2326 and a fund to fund transfer from the Clerk of Courts Title Fund #2326 to the General Fund #1001; see resolution 2019-11.19.a.

Discussion: The Commissioners thanked Mr. Meyer for his service and the transfer. They applauded him and his staff for their customer service. Mr. Meyer noted that title numbers are down this year.

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jeff Fix, Steve Davis, and Dave Levacy

Approval of the Commissioners Resolutions

On the motion of Jeff Fix and the second of Steve Davis, the Board of Commissioners voted to approve the Commissioners’ Office resolutions:

2019-11.19.b A resolution to approve a memo expense for interest allocation reimbursement for Fairfield Department of Health – Fund #7012 & Fund #7321 [Commissioners]

2019-11.19.c A resolution approving an account to account transfer in major object expense categories for General Fund # 1001 – Fairfield County Commissioners [Commissioners]

2019-11.19.d A resolution authorizing the approval of a license for use of property by the All Accessible Sports Complex & Park, Inc., for the creation of an all-accessible sports complex and park at the location of the Board of Developmental Disabilities at property near the Forest Rose School [Commissioners]

2019-11.19.e A resolution to approve a memo expense for interest allocation reimbursement for Fairfield County Historical Parks – Fund #7308 [Commissioners]

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jeff Fix, Steve Davis, and Dave Levacy

Approval of the Engineer’s Office Resolution

On the motion of Jeff Fix and the second of Steve Davis, the Board of Commissioners voted to approve the following Engineer’s Office resolutions:

2019-11.19.f A resolution to approve a Change Order for the Leib's Island Road and Sellers Drive Improvement Project. [Engineer]

2019-11.19.g A resolution to appropriate from unappropriated in a major expenditure object category County Engineer 2024-Motor Vehicle for remainder of 2019 salary expenses [Engineer]

2019-11.19.h A resolution to appropriate from unappropriated in a major expenditure object category County Engineer 2580-Subdivisions for subdivision inspections of Violet Meadows Section 5 Phase 1, Chesapeake-Milnor Road, Heron Crossing Section 4 and Spring Creek Section 3 Phase 1 [Engineer]

2019-11.19.i A resolution to appropriate from unappropriated in a major expenditure object category County Engineer 2024-Motor Vehicle for auto property damage [Engineer]

2019-11.19.j A resolution to change bridge load ratings. [Engineer]
Roll call vote of the motion resulted as follows:
Voting aye thereon: Jeff Fix, Steve Davis, and Dave Levacy

Approval of the JFS Resolutions

On the motion of Jeff Fix and the second of Steve Davis, the Board of Commissioners voted to approve the following JFS resolutions:

2019-11.19.k A resolution authorizing the approval of repayment of an advance to the General Fund from Sub-Fund #8185 Kinnect, Fairfield County Child Protective Services (CPS) Division. [JFS]

2019-11.19.l A resolution approving an account to account transfer Fund 2072Public Children Services [JFS]

2019-11.19.m A resolution to approve a memo receipt and expenditure for Fairfield County Job & Family Services, Fund 2015 reimbursing Fund 2018 [JFS]

2019-11.19.n A resolution to approve a memo receipt and expenditure for Fairfield County Job & Family Services, Fund 2072 reimbursing Fund 2018 [JFS]

2019-11.19.o A resolution to approve a memo receipt and expenditure for Fairfield County Job & Family Services, Fund 2758 reimbursing Fund 2018 [JFS]

2019-11.19.p A resolution approving an account to account transfer Fund 2018 Public Assistance [JFS]

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jeff Fix, Steve Davis, and Dave Levacy

Approval of the Juvenile/Probate Court Resolutions

On the motion of Jeff Fix and the second of Steve Davis, the Board of Commissioners voted to approve the following Juvenile/Probate Court resolutions:

2019-11.19.q A resolution to appropriate from unappropriated in a major expenditure object category – Juvenile Court Fund #2036 Department of Youth Services (reclaim) [Juvenile/Probate Court]

2019-11.19.r A resolution authorizing the approval of a service agreement by and between Fairfield County Juvenile Court and Sentinel Offender Services, LLC [Juvenile/Probate Court]

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jeff Fix, Steve Davis, and Dave Levacy

Approval of the Sheriff’s Office Resolution

On the motion of Jeff Fix and the second of Steve Davis, the Board of Commissioners voted to approve the Sheriff’s Office resolution to appropriate from unappropriated in a major expenditure object category Sheriff’s Office Fund 2683 Wireless 911; see resolution 2019-11.19.s.

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jeff Fix, Steve Davis, and Dave Levacy

Approval of the Utilities’ Resolution

On the motion of Jeff Fix and the second of Steve Davis, the Board of Commissioners voted to approve the Utilities’ resolution to appropriate from unappropriated in a major expenditure object category for High Service Area 4 Fund #4488; see resolution 2019-11.19.t.
Roll call vote of the motion resulted as follows:
Voting aye thereon: Jeff Fix, Steve Davis, and Dave Levacy

**Approval of the Payment of Bills**

On the motion of Jeff Fix and the second of Steve Davis, the Board of Commissioners voted to approve the following Payment of Bills resolution authorizing the approval of payment of invoices for departments that need Board of Commissioners’ approval; see resolution 2019-11.19.u.

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jeff Fix, Steve Davis, and Dave Levacy

The Commissioners discussed the Opiate Task Force on Tuesday, November 26th at 4:00 p.m. at ADAMH. Commissioner Davis will be speaking. He also provided an update on the opiate meetings he had been attending in Columbus.

Commissioner Levacy stated at 10:10 a.m. that the Commission would be in recess until the 2:00 p.m. meeting the Licking County Commissioners.

**Meeting with the Licking County Commissioners**

The Commissioners met at 2:05 p.m. for a meeting with the Licking County Commissioners. Commissioner Levacy called the meeting to order with the following Commissioners present: Steve Davis, Dave Levacy, and Jeff Fix. Also present were Carri Brown, Rachel Elsea, Licking County Commissioner Tim Bubb, Dana Moore, and Joshua Horacek.

Mr. Davis thanked everyone for the courtesy of attending the meeting.

Mr. Bubb stated the other two Commissioners sent their regrets.

Mr. Davis stated he and Mr. Bubb had a very productive conversation in Mr. Bubb’s office, and the meeting with the full board had little commentary. There has been no discussion in Fairfield County Commission meetings of Mr. Davis and Mr. Bubb’s conversations. He thought they could recap the conversations and address “dangling modifiers” that still existed.

In the prior meetings they had looked at the four-year look back of MCJDC usage and rounded Fairfield County’s share from $508,000 to $600,000 in 2021 and 2022 with the benefit of the rounding being in Licking County’s favor.

Mr. Bubb stated that was based on past usage to get to a fair representation on who was using the beds.

Mr. Davis stated he thought they could address, if in agreement on the base amount, if under the four-year lookback, Perry and Hocking County would also see a discount. He stated they needed to decide if Perry and Hocking Counties would be included on new negotiations and receiving a discount or if they would stay with their historical contributions. Mr. Davis favored the discount as it is associated with the four-year look back, and if they don’t apply that method, it looks more like a hybrid lookback.

Mr. Bubb replied it was fair to look at their use as well, but they have a small bed commitment. Mr. Bubb believed that while they have it, they intend to honor their commitment and while not a host county, they are original partners who are covering some of the overhead of the place because they own it. He is not interested in a hybrid-lookback with Perry and Hocking County. But he would like them to step up as part owners.

Mr. Davis appreciated that. He stated that once everyone is settled in their contributions, they should understand what everyone gets for their contribution and rent. He would like the contribution to the base to be transferred to the bed allocation. The larger the contribution, the more beds that county is allowed to access.
Mr. Davis also wanted to discuss the carryover. It is a good business practice for an entity to have a carryover and establish an amount they would like to not dip below. He suggested there be a policy established by the joint board to target carryover with a use or purpose for any overage.

Mr. Bubb stated there were several options. They could refund counties for a percentage or take some to the capital fund for future use or put it all in carryover and credit contributions for the next year. Mr. Bubb would prefer to have the carryover credited to the contribution the following year. He thinks that is the fairest way to do it for all four counties involved.

Mr. Davis agreed. He stated the primary goal in 2021 and 2022 was to operate without utilization of carryover for budget purposes. He does not want to dip into carryover as part of the operating budget.

Mr. Davis stated the Commissioners had recommended a two-year moratorium on capital fund contributions as the capital fund is currently healthy. Fairfield County’s debt on the facility is nearing maturity.

Mr. Bubb asked if the original debt was prorated as a percentage of usage.

Dr. Brown replied contributions were determined based on the shares of beds. Some counties may have had cash on hand. Fairfield County issued debt for its share of initial costs.

Mr. Davis stated he is pretty happy, but not thrilled with the 2021/2022 deal due to its duration. He’d rather the arrangement be longer, but he perceives that the shorter time was more palatable as in a few years Licking County may find itself in Fairfield County’s shoes.

Mr. Bubb stated he thought it was fair to state it that way. He is not that fearful of taking it past 2022, though. Licking County is going to grow in population, and they cannot count on that growth to be all honest people, and he understood additional population meant additional needs. He does not expect the numbers to go down.

Mr. Fix asked if that was the case, could they do a longer agreement?

Mr. Bubb replied he was not fearful their numbers would go down.

Mr. Davis asked if they could add a year, 2023, taking care of the next four years. He would be happier at that length of arrangement if they would be amenable.

Mr. Bubb stated he was not fearful of 2023 and that they would need most of the beds.

Mr. Davis mentioned how there could be other facilities potentially closing due to the change in market dynamics.

Mr. Bubb asked how they could accommodate other counties who want to be a part of the MCJDC community on an annual basis.

Mr. Davis replied that they needed to consider that in the coming months as there are multiple gradations of that questions. Bringing individuals in at $105 a night, does not help solve the problem when the four member counties are paying $300 a night. If the market for bed space is tightening, you should be seeing an increase in price.

Mr. Bubb would like to see a yearly buy-in for a certain number of beds which would guarantee revenue over what the other four counties are doing.

Mr. Davis asked if the unit itself was the only lessor or if the users could be sublessors. He is more comfortable with the unit itself being the lessor.

Dr. Brown discussed the option of equity share option and bringing in a new equity partner for the joint venture.
Mr. Bubb liked that idea because then they’d become an order and if you have to redefine the board and voting composition, it should be based on the level of equity. There used to be times when the Licking and Fairfield didn’t always agree with the smaller partners, but all voting percentage was the same. The larger contributing counties were being outvoted by the smaller ones.

Mr. Davis stated that he thought one of the things that will take some time is letting people see the product of what they are trying to do, in saving the facility.

Mr. Davis asked Ms. Moore what her thoughts or feelings were before they took the concepts back to the full MCJDC board.

Ms. Moore asked about the four-year lookback and if they would do the look back each year, or looking at it and creating four years, then looking at it again.

Mr. Davis stated his position was to do the lookback now with 2020 already agreed to. He’s not suggesting looking at it every year and recalibrating. He would like to have another four year look back in 2023 to form a basis for the next four years. He thinks that would be helpful for the board to get out of the financial survival discussion and come back to it in 2023.

Ms. Moore stated that seems to mirror what they have been doing where each year the contributions stay the same and leaving it difficult for the facility to budget.

Mr. Davis stated it was the percentages that they were looking at.

Dr. Brown asked if there were other revenues.

Ms. Moore replied there absolutely were and those were taken off before coming up with the number needed. She wants to make sure going forward, they are using a static percentage not a static contribution.

Mr. Davis stated this process has been bruising up to this point and he’d like to put a bow on it and have this discussion again in four years. He’s not walking away and is more plugged in than ever to be helpful. He knows in the coming years they need to figure out what the horizon has. He wants to get away from the internal survival discussion.

Mr. Fix asked what happens if the carryover is below the target, would the contributions increase to bring it back to the target.

Mr. Davis replied yes.

Mr. Fix asked what the carryover was today.

There was not an exact number, but it was believed to be around $500,000.

Dr. Brown checked the current cash balance and reported the current cash balance was $1.27 million with a carryover to approach $1,000,000 based on encumbrances now in place and expected payroll. The capital fund cash balance was $582,000 with no encumbrances.

Ms. Moore added that the carryover has been used when short on health insurance or needing extra money for legal fees.

Mr. Davis thinks the reason why the carryover was so much higher than what was expected was because a portion of it was already thought of to be used in the 2020 budget.

Mr. Davis stated he asked Mr. Horacek to attend because they will need to put this on paper in the upcoming weeks and he is not sure how they will do that - whether the bylaws will be amended, or a resolution or resolutions will be passed.

Mr. Bubb thought an MOU would be okay if all entities agreed to it and passed it on their ends.
Mr. Horacek replied he thought there would have to be something adopted by the joint board.

Dr. Brown suggested that the policy statements be included as adoptions of the joint board.

Mr. Davis asked Ms. Moore if there was anything they were not thinking of.

Ms. Moore asked if Hocking and Perry were using the four-year look back who would be making up the difference.

Mr. Davis stated that if you use the look back with the only change being that Fairfield County’s rounding is to benefit Licking, then Licking is taking care of the downdraft on Hocking and Perry.

Mr. Davis asked if Mr. Horacek could prepare a draft document that would be sufficient to carry out this discussion for Licking County and Fairfield County’s review. Post that review, they would take it to the joint board of Commissioners.

Mr. Bubb thought he could do that. This would include a moratorium on capital contributions. There is a sufficient amount there to handle repairs as they come. He added the only thing they have not discussed is what happens if they run in the black. He would like to keep it in the carryover and credit the contributions in the following year based on the percentage contributions.

Mr. Davis asked what the schedule was for contributions.

Ms. Moore replied it was quarterly and contributions came in when expected.

Mr. Fix asked what the appropriate carryover number was.

Mr. Bubb replied that he was not sure, but 25% sounded appropriate.

Mr. Levacy asked if there were any contracts that came in early in the year.

Ms. Moore replied there were several due at the beginning of the year.

Mr. Davis and Dr. Brown thought the carryover was too high at 25%.

Mr. Bubb asked what 20% of the budget looked like.

Mr. Fix replied 20% would be $720,000.

Mr. Bubb was fine with 20% and suggested they move forward with that substantial number.

Ms. Moore replied that while they know their county contributions, the school billing, which results in $600,000 a year, is based on population, and if the population decreases so does that revenue source.

Mr. Davis asked Mr. Horacek what his thought was on the information and guidance given him.

Mr. Horacek stated he had enough to put together a decent draft.

Mr. Davis asked Mr. Bubb to share his email address with Mr. Horacek so he receives the draft when Fairfield County does, making both counties equal in the process.

Mr. Bubb appreciated that.

Mr. Davis stated Mr. Barron had asked if he could be updated and if Mr. Bubb was fine with that.
Mr. Bubb agreed it was a productive conversation and that the group agreed on an agreement in principal to carry MCJDC through 2023. The document will be drafted and taken to the joint board for their approval.

Mr. Bubb added that if the market changes as they expect, he thinks they will have to look at adding a new partner or two and amending the bylaws.

The Commission was in recess at 3:14 p.m.

Public Hearing – Annexation Petition – Greenfield to Lancaster – 76.877 +/- acres

The Commissioners met at 6:00 p.m. to hold a public hearing on the petition to annex 76.877 +/- acres from Greenfield Township into the City of Lancaster. Commissioner Davis called the meeting to order with the following Commissioners present: Steve Davis, Dave Levacy, and Jeff Fix. Also present were Carri Brown, Rachel Elsea, Joshua Horacek, Amy Brown-Thompson, Tom Lininger, Julia Lamb, Lt. Marc Churchill, Sgt. Collins, Randall Ullom, Tom Winkhart, Tony Perez, Brad Hutchinson, and Fairfield County residents.

Please see the attached transcript of the public hearing.

The hearing was in recess at 7:32 p.m.

The hearing was back in session at 7:42 p.m.

The hearing was closed at 8:13 p.m.

Adjournment

With no further business, on the motion of Jeff Fix and a second of Dave Levacy the Board of Commissioners voted to adjourn at 8:14 p.m.

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jeff Fix, Steve Davis, and Dave Levacy

The next Regular Meeting is scheduled for Tuesday, November 26, 2019 at 9:00 a.m.

Motion by: Seconded by:

that the November 19, 2019 minutes were approved by the following vote:

YEAS: NAYS: None
ABSTENTIONS: None  *Approved on November 20, 2019

Steven A. Davis  Dave Levacy  Jeff Fix
Commissioner  Commissioner  Commissioner

Rachel Elsea, Clerk
BEFORE THE FAIRFIELD COUNTY
BOARD OF COMMISSIONERS

- - -

IN RE: ANNEXATION OF AN
ADJACENT 76.877 ACRE TRACT
OF LAND LOCATED IN
GREENFIELD TOWNSHIP,
FAIRFIELD COUNTY, OHIO,
TO THE CITY OF LANCASTER,
FAIRFIELD COUNTY, OHIO

- - -

PROCEEDINGS

before Commissioners Steve Davis, David Levacy,
and Jeff Fix, at the Fairfield County
Commissioners' Office, 210 East Main Street,
Lancaster, Ohio 43130, November 19, 2019, at
6:00 p.m., taken before Julia Lamb, RPR, CRR, a
Notary Public in and for the State of Ohio.

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APPEARANCES:

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on behalf of the Petitioner.
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<td>RANDALL ULLOM</td>
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<td>DIRECT BY MR. WINKHART:</td>
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<td>HOWARD BLAISDELL</td>
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<td>BRAD HUTCHINSON</td>
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COMMISSIONER DAVIS: Go ahead and call this meeting to order. Appreciate everybody coming out tonight. We're here to hear a petition for annexation. At the request of Commissioners Levacy and Fix, I have got the honor of being the presiding officer tonight.

So what I'll start off by doing is explaining to everybody the process that we would envision going through tonight for purposes of conducting this hearing, and I'll start right there. Can the folks in the back hear me okay? Are we doing good on volume?

All right. I appreciate it. Want to make sure everybody can hear.

So what we'll do is we'll go through the process that we are required to go through under the Ohio Revised Code. So in advance of the hearing this evening the Commissioners' office sought legal counsel from the office of the prosecutor, because it has been a great many years since the Commission has heard this type
of annexation. In recent years most all
annexations are something called a type 2
expedited which doesn't involve much process.
So we sought out that advice from the
prosecutor's office as to the conduct of the
hearing. We have that memo and then we will be
following the prosecutor's memorandum on
process.

What that will involve is under the Ohio
Revised Code there are three what's defined as
necessary parties to this annexation hearing.
Those involve the Petitioner or counsel for the
Petitioner, those involve the City of Lancaster
as the receiving entity of the annexation if it
were to be approved, and Greenfield Township.

Our office has been in communication
with legal counsel for Greenfield Township, and
they advised us that they did not intend to
appear or be represented at this hearing
tonight.

So we had three tables arranged for each
of what the Ohio Revised Code called the
necessary parties, and we had space and
accommodation for that if that were necessary.
As it turns out they're not here. That's fine.
That's on them, not us.

In terms of the conduct of the hearing what we'll -- the process will be is first the Petitioner or an agent for the Petitioner will begin with opening remarks, and then they'll have the opportunity to present evidence either through direct examination of witnesses or through the submission of documents for evidentiary purposes.

Again, under the Ohio Revised Code, filings made up to this point in time with the clerk of the Commissioners' office are a part of the record and available for the deliberations of the Commission when we get to the point where we're ready to make a decision on this, which will not be tonight. And I will explain that shortly as well, why that won't happen tonight.

After the Petitioner has been given an opportunity to present their case, if you will, the case for annexation, the next opportunity will be for necessary party, the City of Lancaster. They will be given the option to present documents or evidence for purposes of
our record if they choose to. They do not have
to. If Greenfield Township were here, they
would go third with the opportunity to present
their case evidence through the direct
examination of witnesses or the production of
documentary evidence.

Following all of the necessary parties
being given an opportunity to present evidence,
we'll then move for the opportunity for those of
you in attendance who are not necessary parties,
you'll be given the opportunity to address the
Commission.

One warning in advance, because we're
operating under the dictates of the Ohio Revised
Code, if you choose to comment or question for
or against, it doesn't matter to us what your
position is, but by coming up and commenting I
just want you to be aware that you do expose
yourself to cross-examination by the Petitioner.
If they want to question you as to your comments
or statements, they have the right to do that
under the Ohio Revised Code section.

Once everybody who wishes to comment has
been given the opportunity, then we'll return to
the necessary parties per the right, not the
obligation, to present rebuttal evidence, if
necessary. I can't predict whether that will or
will not be deemed necessary for the necessary
parties to do that. So that's our process.
The only time limitation that will be
employed this evening will be when we get to the
comment section. For those who would wish to
address the Commission with questions, comments,
pros, cons, whatever the case may be, you'll be
initially operating under a five-minute time
limit, at least until everyone who wishes to
address the Commission has been given the
opportunity to do so.

If at the conclusion of everyone having
had that opportunity to present you got cut off
because of the five-minute rule, I will invite
you to return and briefly conclude your remarks.
So that will be -- those are the rules for our
meeting tonight.

Couple other points. We have a court
reporter here who's going to be transcribing
everything that happens here tonight from a
verbal standpoint. So if you're a witness and
you're asked a question, I would ask for you to
respond to that question verbally as opposed to
with body language or shrugs. I would also ask
in responding to questions if you avoid the
phrases uh-huh and huh-uh. In a transcript
sometimes those words become confused and
difficult to interpret. So we ask that the
answers be yes or no, or maybe, or I don't know,
or some verbal response that the court reporter
can take down.

Other than making sure that everybody
who would like to address the Commission tonight
during the course of this hearing gets the
opportunity to do so, I would also ask you to
please respect the process, and I would ask you
to please not be disruptive. I'll try to deal
with that if that were to unfortunately arise.

With that, I would ask if anybody
anticipates that they will be a witness tonight
and would like to offer sworn testimony or
anticipates that they would like to comment for,
against, ask a question, whatever your statement
may be when we get to that, if you would please
rise now and raise your right hand.
(All witnesses duly sworn.)

COMMISSIONER DAVIS: Thank you. We will now allow an opportunity for the Petitioner through, I believe, Counsel Winkhart -- and you swore, correct?

MR. WINKHART: I did.

COMMISSIONER DAVIS: You're on. Oh, I'm sorry. Commissioner Fix has mentioned something that is important. I had mentioned earlier that we would not be making a decision on this issue tonight and I wanted you to understand why.

Under the Ohio Revised Code when a decision on this issue is rendered by the Commission, it must be accompanied by written findings of fact. That's under the Ohio Revised Code we're required to do that. It was impossible for us to prepare written findings of fact in advance of this hearing tonight without first having heard the evidence and the documents to support one side or one position or the other. So given the fact that we have not heard any evidence and we have not taken any position it's impossible for us to have already prepared the findings of fact. Following this
hearing at some point in the near term within 30
days the Commission will deliberate and give the
prosecutor's office guidance as to the direction
that we would like for the findings of fact to
follow, but that has not yet and will not occur
tonight.

Thank you, Commissioner Fix, for picking
me up on that issue, and now we'll have the case
for the Petitioners being presented by Attorney
Winkhart.

MR. WINKHART: Good evening. May it
please the Board. With your permission, may I
sit during our presentation and examination?
COMMISSIONER DAVIS: You may. And I
want to mention to you as you're sworn and your
information is being offered for purposes of the
record I would like you and every other witness
and commenter tonight to begin by stating your
name and residential address.

MR. WINKHART: And I don't know if the
folks behind us can hear if I speak in this
tone?

UNIDENTIFIED SPEAKER: I can't hear.

COMMISSIONER DAVIS: We have a
microphone if you would like to take advantage
of that. I don't think it will give you a lot
of distance. I appreciate your courteousness in
making sure the people can hear you. Thank you.
Please proceed.

MR. WINKHART: Thank you. Good evening.
My name is Tom Winkhart. I am an attorney for
the proposed developer of the property and I'm
the agent for the Petitioner, the Mithoff
Companies, petitioning for annexation tonight.
My residential address is 7008 Victoria Court in
Canton, Ohio 44708. I have with me tonight
Mr. Tony Perez. Tony is the president of Lemmon
Development Company. I anticipate that he'll be
making an address to the Board under direct
examination. Also with me is Mr. Brad
Hutchinson, president and sole owner of the
Mithoff Companies which is the property owner of
the territory to be annexed.

What I'd like to do is make a brief but
formal presentation regarding the annexation of
the property with an intent to satisfy the
requirements of Ohio Revised Code Section 709.03
which is the Revised Code section that governs
the procedure tonight.

Initially, I would ask that the
Commissioners take notice, and I would -- I
would expect that the record would reflect that
the annexation petition meets all of the
requirements of Ohio Revised Code Section 709.02
in form and in substance.

If I could first just kind of go through
a bit of a timeline of the actions that our
office has taken along with the Petitioner, the
Mithoff Companies, and the developer, Lemmon
Development Company, again for the record, and I
would assume that the county's record of the
proceedings reflects all of the things that I'm
about to say.

On September 16th of 2019 a petition for
the regular annexation of the proposed -- of the
territory proposed for annexation was filed with
the Fairfield County Clerk. We also filed the
statement of adjoining parcel owners and -- the
adjoining parcels and parcel owners.

On September 17th of this year we
received a notice of hearing electronically from
the Fairfield County Clerk. On September 20th
of this year we sent a notice of filing of our
annexation petition to the Clerk of the
Lancaster City Council. That was sent certified
mail, and we also sent that to the Clerk of
Greenfield Township again by certified mail.
Regular mail delivery of the same was sent to
the Lancaster City Engineer, the Lancaster Law
Director, the Mayor of Lancaster, and the
Fairfield County Engineer.

On September 25th we filed a statement
of adjoining parcels and owners as amended and
we did that in conjunction with the Fairfield
County Clerk's tweaking of our matrix of
adjacent property owners. Again, that was an
updated statement.

On October 7th, 2019 we filed an
original notice of filing. That included an
amended legal description, the annexation plat,
again our matrix of adjacent property owners,
and copies of that were also provided to the
Clerk of Lancaster City Council, Greenfield
Township, the Fairfield County Engineer, the
Lancaster City Engineer, Law Director and Mayor.

On October 8th we sent an amended notice
of hearing to the adjacent property owners via regular mail, and we filed in evidence of certificate of mailings of the same.

On October 11th we received notification from Teresa Sandy on behalf of Attorney Randall Ullom, the Lancaster City Law Director, with copies of the public services resolution and the resolution to approve the pre-annexation agreement and the ordinance to establish zoning in the city of Lancaster.

On October 14th Lancaster City Council met for the first reading of the above ordinances. On October 16th of 2019 we emailed the public notice to the Lancaster Eagle Gazette, and I have for introduction at the conclusion of my remarks the original affidavit of publication from the Eagle Gazette indicating that the public notice was properly included in the newspaper on October 24th, 2019 in compliance with the Revised Code.

COMMISSIONER DAVIS: If I can interrupt, sir, the document that you're intending to offer for purposes of the record, does it have an exhibit sticker yet?
MR. WINKHART: It does not. And we can
do that individually or all at the same time.
COMMISSIONER DAVIS: When we get to the
admission of evidence which the Commission will
decide on we're going to want those documents
identified with exhibit stickers. I didn't mean
to interrupt you.
MR. WINKHART: Not a problem.
COMMISSIONER DAVIS: Please proceed.
MR. WINKHART: In anticipation -- I
don't know if we have A, B and C or 1, 2 and 3,
but we would mark this as Petitioner's Exhibit
A.
COMMISSIONER DAVIS: That will be fine.
Thank you for doing that, sir.
MR. WINKHART: We'll proffer these at
the end.
COMMISSIONER DAVIS: Thank you.
MR. WINKHART: On October 17th a copy of
the original affidavit of compliance, which was
dated September 30th, was sent via regular mail
to the county engineer, the city law director
and the city engineer.
On October 28th Lancaster City Council
met for the second reading of the above
ordinances which were subsequently tabled at
that meeting.

On November 4th of this year a second
affidavit of compliance was sent first-class
mail to Fairfield County Clerk evidencing
compliance with the publication requirement.
Copies of the affidavit were sent via regular
mail to the county engineer, the city law
director, and the city engineer, and I think
that brings us up to last week's November 14th
Lancaster City Planning Commission meeting at
which time the Lancaster City Planning
Commission voted in favor of the approval of the
zoning application that was filed with the City.

Okay. At this time I would like to call
Brad Hutchinson as our first witness and perhaps
Brad could join me here.

COMMISSIONER DAVIS: I apologize for
just having one mike, but if you gentlemen
wouldn't mind sharing that, just again to make
sure that all those in attendance have an
opportunity to hear both the question that's
being asked and the answer that's being given.
MR. WINKHART: And I apologize for having my back to the audience, but if somebody's giving you the high sign that they can't hear us, if you would please let us know.

BRAD HUTCHINSON called as a witness by the Petitioner, being previously duly sworn, testifies as follows:

DIRECT EXAMINATION

BY MR. WINKHART:

Q. Brad, could you please state your name and give your residential address for the record.

A. Brad Hutchinson, 433 South Columbus Street, Lancaster, Ohio.

Q. Mr. Hutchinson, were you duly sworn at the beginning of this hearing?

A. Yes, I was.

Q. And did you swear to tell the truth according to that affirmation?

A. Yes, sir.

Q. Brad, could you please state your relationship to the Mithoff Companies?

A. I'm the sole owner and operating manager.
Q. Okay. And you're familiar with the property that is proposed to be annexed?

A. Yes, sir.

Q. Could you describe that property?

A. It's the Timber Top property on Columbus Street. 2200 North Columbus Street.

Q. Okay. And for the record purpose we have on the screen above the Commission members a copy of the annexation plat that has been filed as part of our proceedings. Feel free to refer to that as you want to as the territory proposed for annexation.

Brad, I'm handing you --

COMMISSIONER DAVIS: Mr. Winkhart, I'm going to ask you to please keep your voice up nice and high. Don't worry about yelling. I do it all the time.

MR. WINKHART: All right. Thank you very much.

BY MR. WINKHART:

Q. Brad, I'm handing you what is part of the record. I don't know that it's necessary to proffer it as evidence, but it is an action by unanimous consent of the members of the Mithoff
Companies. Is that your signature on that?
A. Yes, sir, it is.
Q. And to your knowledge did that authorize
and direct you to -- as the member of the
Mithoff Companies to execute and deliver the
annexation petition?
A. Yes.
Q. I'm also showing you a document that is
entitled Petition for Regular Annexation.
Again, this is part -- currently part of the
record of our annexation and on here there is
the listing of seven parcels, each of which
appears to have your signature beside it. Is
that your signature?
A. Yes, sir, it is.
Q. Brad, was it your intent when signing
this to authorize and direct the application and
petition for the territory proposed for
annexation to be, in fact, annexed from the
township into the city of Lancaster?
A. Yes, sir, it was.
Q. Okay. And, Brad, how long have you
lived in Fairfield County?
A. I've been in Lancaster, Fairfield
County, my whole life.

Q. In general terms how many years?
A. 46.

Q. Very good. And obviously how long have you owned the Timber Top property?
A. 19 months, not quite two years.

Q. Okay. And we know that to be approximately 77 acres. Is that correct?
A. Yes, sir.

Q. Okay. You're familiar with the geographic make-up of the city of Lancaster and the township?
A. Yes, sir.

Q. That 77 acres, does that area feel like it is an unreasonably large piece of property to be annexed into the city of Lancaster?
A. You're asking if it's unreasonably large to be annexed, or do I believe it should be annexed?

Q. Let's start with to be. Do you feel like it's too big of a piece of property for the city of Lancaster to take into its -- into the ranks of its property?
A. No, sir.
Q. Okay. Do you feel that it should be annexed into the city?
A. I was surprised when I first started looking at the property it wasn't already part of the city of Lancaster.
Q. And why do you feel like that property would be better served in the city of Lancaster?
A. Well, it's already surrounded by the city other than the Woodland Heights development, and you can't get utilities for the property without being from the city of Lancaster. The county has no utilities in that area.
Q. And if I could, I'm just going to bounce around a little bit, but in keeping with this witness, Brad, do you believe that it is for the general good of the 77-acre property to be annexed and that it will be served and benefit from being annexed into the city of Lancaster?
A. I believe being a retirement community is the ideal situation for the Timber Top property. It is a beautiful property. Right now it's completely underutilized in my opinion.
Q. And you've testified that you've been a
life-long resident of the area surrounding the
Timber Top property. Do you have an opinion as
to whether or not annexing this property into
the city will be detrimental to any of the
adjacent properties?
A. I don't believe it will, no.
Q. Okay.
MR. WINKHART: I have nothing further
for Mr. Hutchinson.
COMMISSIONER DAVIS: At this time any
necessary parties that would like to
cross-examine this witness are given the
opportunity to do so. Greenfield is absent.
City of Lancaster is welcome to
cross-examine at this time if they so desire.
MR. ULLOM: No, we have no comments or
questions.
COMMISSIONER DAVIS: This witness is
excused, but you are subject to recall and
rebuttal, sir.
MR. HUTCHINSON: Okay. Thank you.
MR. WINKHART: Thank you. Next I'd like
to call Tony Perez as my next witness.

ANTHONY J. PEREZ
called as a witness by the Petitioner, being
previously duly sworn, testifies as follows:

DIRECT EXAMINATION

BY MR. WINKHART:

Q. Tony, if you could please state your
full name and give your residential address for
the record.

A. Yes. It's Anthony J. Perez, 1705 State
Street Northwest, Uniontown, Ohio 44685.

Q. Thank you. Tony, could you describe for
the Commissioners your position with Lemmon
Development?

A. I am an owner/principal of Lemmon
Development, and the address there is 1201 South
Main Street, North Canton, Ohio 44720.

Q. For how long have you worked for Lemmon
Development?

A. Six, almost seven years here.

Q. For the Commissioners and for those in
attendance, could you describe a little bit
about the kind of work that Lemmon Development
has done and give a bit of a historical
perspective of the company?

A. So Lemmon Development has been in
business for over 40 years. Our patriarch founder is still involved. He is a big part of the business. And we've completed multiple mixed-use developments over the state of Ohio, including retail, residential, apartments, multi-family, and most recently concentrated on senior living communities in the state.

Q. You say that you've concentrated on senior living facilities. How many senior living facilities has your company developed?
A. So we currently have 20 senior living communities in the state of Ohio ranging from Mentor all the way down to Dayton, and we own, operate and manage everything that we've completed on the senior side.

Q. And describing kind of with an eye toward what you envision where this property were to be annexed into the city, could you describe what one of those typical senior living facilities would look like and how it would operate?
A. So our typical senior living community would be licensed through the Ohio Department of Health as a residential care facility. We would
be basically assisted living, and then we would
have some memory care units as well. We range
from 80 to 130 units, and we've also started to
add an independent living villa component that
would be detached from the main building, and
they would offer services as well from the main
building. The main building would have
different amenities: Full-time dining, 24-hour
operations so there's somebody there at all
times, and just other different amenities, pub,
bistros, salons, different things like that.

Q. Mr. Perez --

COMMISSIONER DAVIS: Gentlemen, I

apologize again for interrupting. I want to try
to encourage you to keep your voices up and
you're not going to be too loud for anybody.

THE WITNESS: I can get loud.

COMMISSIONER DAVIS: Let's do it.

BY MR. WINKHART:

Q. Mr. Perez, you said these facilities are
licensed residential care facilities with the
Ohio Department of Health. Is that correct?

A. It is, yes.

Q. Would you -- are these operated as
traditional nursing homes?

A. They're not, no. They're all private pay, and they are market -- kind of like a market rate type deal that people would come in, and once our residents have a certain need that we cannot provide under the Ohio Department of Health regulations, then they would have to move on to somewhere more suitable, probably more like a skilled nursing community.

Q. And what would be the level of investment that the ownership group would make to fully develop one of these residential care facilities?

A. So with the residential care building, the main building and certain villas that we would propose for this, we're probably looking at 20 to $25 million of investment just on the senior side of this.

Q. And on average a single resident taking an average of the services rendered, meals, what would an average resident anticipate paying in a facility like this?

A. It all depends on the size of the units and different things like that, but between 3
and $5,000 a month.

Q. Thank you very much.

MR. WINKHART: Rachel, if I could, would it be possible for you to put the -- very good.

Thank you.

Q. Mr. Perez, I know this is going to be difficult for the record, but as best you can would you please describe the diagram that appears on the screen above the Commissioners, and if you can refer to it as the colors that are represented in your description of the properties.

COMMISSIONER DAVIS: Can we pause just a moment on that? Is this something that has previously been filed with our -- so we do not have this in our record at this point.

MS. ELSBA: It was emailed to me about an hour ago.

COMMISSIONER DAVIS: That's fine. So I'm going to ask if you'll identify that as Exhibit B. I assume that's here in paper form somewhere?

MR. WINKHART: It is, yes.

COMMISSIONER DAVIS: Would you mind
doing that? We'll call this Exhibit B. You can
label it later, but I think that will help with
the record. And again, I apologize for the
interruption. Please proceed.
A. Okay. I'll try with the colors here.
I'll start with the bottom left. This is a CG
zoning through the city of Lancaster that we're
proposing. It's going to zone under commercial
retail, but we're actually trying to and working
towards a skilled nursing community to take
residents here. So that is CG. It's
approximately eight total acres.
COMMISSIONER DAVIS: May I ask a
question?
THE WITNESS: Yes.
COMMISSIONER DAVIS: I don't want to get
down in the weeds with you. I want you to do
your thing, I'll do mine, but I don't know what
a skilled nursing facility is.
MR. WINKHART: Thank you.
BY MR. WINKHART:
Q. So, Mr. Perez, you testified earlier
that it's your company's plan to develop a
licensed residential care facility. Could you
please distinguish that from a skilled nursing facility?

A. So our community would be licensed under the Ohio Department of Health as a residential care facility. We would be able to do some minor medical things, but there’s -- I'm on the development side and not on the management side of these communities, but on our side there's certain things we can and cannot do medically.

We can't give trachs and we can't, you know, give certain types of different things like that, certain treatments we can't do. So that would push our residents from our residential care facility to a skilled nursing facility where they are obviously under the Ohio Department of Health as well, but they'll be able to do more and -- do more treatments than we will.

COMMISSIONER DAVIS: So if I could just make sure I'm understanding, people would live in a skilled nursing facility, and they call it that because they have access to skilled nursing which is some greater level of care --

THE WITNESS: Than what we would be
providing.

COMMISSIONER DAVIS: I appreciate it.

Thank you for that clarification. Please proceed.

THE WITNESS: Thank you.

A. And then above -- in this mixed-use development above this we would have a CN, commercial neighborhood, zoning. It's approximately 12.8 acres. We're proposing and working with a few different developers for a garden-style apartment community. It would be a luxury-type apartment community with a hundred to a hundred-plus units for that.

The top left is we're proposing an RS3 zoning. It's 26.2 acres. Since that's abutting the residential up on that corner, we're definitely talking to a lot of different residential home builders hopefully locally and a few in the Columbus market. So we envision that to be a residential community.

Q. Mr. Perez, if I can interrupt you for just a second that RS3 zoning which is showing as lot three in the upper left-hand corner, to your understanding is that the same zoning that
exists for the residential property that is to
the west and to the north?
A. Yes, it is.
Q. Thank you.
A. To the right of that, top right, the
purple RM2 is a multi-family -- multi-family
zoning. It's approximately 11 and a half acres.
We're looking at a one-story villa-type unit,
hopefully an extension off of what's below that
in the blue, which would be our CN -- yes, our
CN zoning, which the blue portion of this would
be where we're proposing our Danbury or senior
living community. That will be the residential
care community where we'll add some villas on
that piece, and then hopefully if it does well,
extend over to the RM2, the purple portion, and
go that route.
Q. Thank you very much. And again,
Mr. Perez, that zoning plan was submitted to the
City of Lancaster Planning Commission, and do
you know how the City of Lancaster Planning
Commission received that application?
A. How they received it?
Q. Did they approve that?
A. They did.

Q. Okay. Thank you.

Mr. Perez, you indicated that you're the president of Lemmon Development Company. Would it be fair to say that if your development company suffered any complaints relative to any of your prior projects that you would be generally aware of those?

A. Yes.

Q. If you have an opinion, could you share with the Commission what the overall reception of your senior living communities in other communities is?

A. Yes. It's been very good. We come in and serve as a need for the senior residents of the community. Most municipalities that we go into enjoy having the seniors stay in the community instead of going elsewhere. It also helps with growth in the community, because it's getting some of the seniors out of their homes, out of their residential homes, getting them into our communities and giving an opportunity for new growth and people to come into those residential homes that they lived in to help
with the city.

Q. And, Mr. Perez, do you have an opinion as to -- as to the level of quality of the proposed development that you would have just generally?

A. Just generally. So -- and this came up a little bit during planning commission. I feel like with us being an owner, developer, manager of our senior living community we're making a large investment. So it's our goal to bring everything in around our community, and this mixed-use development at a very high level, a high quality and continue obviously the landscaping, the finishes, the quality of our community within this whole mixed-use development.

Q. Thank you. Mr. Perez, you've been working for several months with representatives from the City of Lancaster with respect to the proposed provision of city services to this property. Is that correct?

A. Yes.

Q. Is it your opinion that the City of Lancaster has the ability to provide all of the
necessary municipal services to this property?
A. Yes.
Q. And as such we're contemplating that
approximately 77 acres would be annexed into the
city of Lancaster. Based on your dealings with
the City representatives, does it feel to you
that this property is of reasonable size to be
annexed into the city?
A. Yes.
Q. Thank you. And, Tony, finally, is it
your opinion that the general good of the
territory proposed to be annexed into the city
will be served by annexing it into the city of
Lancaster?
A. Yes.
Q. And I appreciate that most of the
surrounding property is already in the city, but
I'd ask that you think about the areas that
surround the community. Understanding the
significant experience that you've had
developing these high-end senior living
facilities, is it your belief that the
surrounding area will be benefited by the
proposed annexation and the development as you
currently contemplate?

A. Yes.

Q. And do you believe that the benefit to
the surrounding area will outweigh any
detrimental effect that this annexation may have
to the surrounding area?

A. Yes.

Q. Thank you.

MR. WINKHART: Thanks, Tony.

COMMISSIONER DAVIS: Sir, you're not
excused.

THE WITNESS: Oh, sorry.

COMMISSIONER DAVIS: Sorry. I'm not
being rude. I'm just --

THE WITNESS: That's okay.

COMMISSIONER DAVIS: The necessary
parties have an opportunity to cross-examine
this witness if they would so choose. Does the
City of Lancaster want to cross-examine this
witness?

MR. ULLOM: Yes, Commissioner Davis, I
have a question for the witness.

COMMISSIONER DAVIS: Please speak up
loud and clear so everybody can hear your
question and his answer.

CROSS-EXAMINATION

BY MR. ULLOM:

Q. Mr. Perez, with regard to this
development one of the things, of course, that
always gets talked about in a development like
this is traffic. To your knowledge, what has
been your conversations with the City with
regard to determining what that traffic
situation would be?

A. The City's put out a scope for our
traffic study to address a very large area
that's connected and has some type of connection
to this property. So we are abiding by and will
accommodate obviously anything that our traffic
study comes back at and will work with the City
to make sure that those items are addressed.

Q. So if I could just to clarify, so
parameters for a traffic study have been issued
by the City to the Lemmon group?

A. Yes.

Q. And have those parameters -- are they
still being discussed or have they been defined?

A. They've been defined.
Q. They have been defined?
A. Yeah.
Q. Could you walk the Commissioners through the process then of we've -- the City has established those parameters. How does that traffic study -- tell us how you go about that.
A. Okay. So I've hired a consultant that obviously has been looked at and approved by the City, the city engineer, and they will work with the city engineer, and the city's consultant will work with our consultant that we've hired to make sure that all the parameters that are in the scope of work that were produced by the City to then -- obviously we'll produce our findings, we'll give them back, and then we'll address the areas of concern that are highlighted in the report.
Q. And as a developer what is your experience with once those -- that traffic study is done and those determinations are made what sorts of things -- kind of asking you -- what sort of things come out of that traffic study as far as roadway?
A. It can all -- it can all vary. You
know, in some cases there's been a traffic light
added. In some cases there's been turning lanes
added. It just all depends on the development,
the use, and what was in the actual scope and
areas to be looked at by the City.

Q. And I think you already stated this, but
just for clarification -- point of clarification
this traffic study -- to your knowledge, I guess
I would ask, does this traffic study encompass
more than just the area of North Columbus Street
or the roadway that is immediately adjacent to
your property -- or to this property?

A. It does. It does. It's actually --
it's a larger area than what we'd be used to
looking at as a developer. So I think the city
engineer has covered a pretty large area.

MR. ULLOM: Thank you very much.

Commissioner Davis, thank you. No further
questions.

COMMISSIONER DAVIS: Thank you. You're
still in the box. I've been advised that
Commissioner Fix has questions of you which he's
entitled to ask. Once he's had an opportunity
to ask his questions, I've also been advised
that Commissioner Levacy may have a question or
more that he's entitled to ask.
So at this time I'm going to ask
Commissioner Fix to inquire of the witness.
COMMISSIONER FIX: Thank you,
Commissioner.

EXAMINATION

BY COMMISSIONER FIX:

Q. Mr. Perez, thank you for being here
tonight. $25 million investment's a pretty big
deal. I'm assuming coming from North Canton
that you wouldn't be coming to Lancaster to
invest that kind of money unless you've done
some kind of surveying to understand that
there's a demand for what you would like to
provide. Can you talk about how you came to
that conclusion that this is a place to be?

A. Yes. So we, internally with our senior
living side of our management business, have an
internal demographics-type person who does our
internal market studies. He'll look at an area,
he'll look at the population, just everything in
the demographics that we can compile, and first
make a recommendation if this is a good place to
start looking. Then we'll hire a professional
consultant. In this case we used somebody out
of Columbus, VSI. They are professional --
professional person that does all of our market
studies across the state, and they present a
report that says these are the demands of X, Y,
and Z. In this case it's our senior living. So
they will say, yes, there's a demand for how
many beds in assisted, how many beds in memory
care, how many beds in independent living. So
they'll compile the data and push it to us, and
in this case there is a great demand for that.
Q. And that demand is not currently being
met?
A. Yes, sir.
Q. Okay. I get it. Did I understand you
correctly when looking at the bottom left of the
map did you say that that is going to be a
skilled nursing center?
A. We are working with the skilled nursing.
We are working with actually a few different
skilled nursing operators. Our intent would be
likely to have somebody in the skilled nursing
community there. We feel like it's a good
complement to our residential care facility
which will be next door.

Q. Do you have any idea what size or how
many residents they would have in that kind of
skilled nursing center?

A. The person that we're talking with now
is an 80- to 90-unit community.

COMMISSIONER DAVIS: Mr. Fix, I ask you
to please keep your voice up.

COMMISSIONER FIX: Yes, sir. Thank you.

Q. For the apartment community above to the
north of that I guess --

A. Yes.

Q. -- how many apartments do you
anticipate?

A. Right now what -- the developer we're
working with -- working with in Columbus has
proposed 100 to 150 units.

Q. Do you have any idea what type of rent
you would be looking for in those 150 units?

A. It all depends on size of units and
square footage of units, but I would anticipate
somewhere between a thousand and $1500 a month.

Q. Okay. Thank you. The residential
neighborhood in the top left, how many homes do you think you're looking at?
A. It's hard to say. We have a couple different ideas out there, but it all depends on how big the lots are. Three to four units probably per acre, and we have around 26 acres.
Q. So around a hundred units?
A. Right around a hundred units.
Q. Any idea on the price range you would be looking for?
A. We develop a lot of single-family residential land in Stark and Summit County, and a starter home these days with the improvements of the road and just the construction costs for how high they are it seems like we're pushing almost 300,000 plus.
Q. So you see these as starter homes?
A. I don't. I see it as -- well, I've worked with a lot of different -- I've already talked with some different single-family home builders in the area, and it could be a starter, it could be a different product. I'd love to get somebody local in here and build custom homes. It all depends on -- you know, we really
don't have anybody lined up yet for this piece.

Q. In the villa, how many people roughly
live in the villa?

A. In the RM2 in the purple?

Q. Yes.

A. So that piece really truly hasn't been
completely defined yet. Like I said, speaking
down below there on the CN where the senior
living portion is going to go, I'd like to start
out with the senior portion there, the senior
building, and add probably 15 to 20 villas, and
then if the villas take off -- it would
basically be a two-bedroom, two-bath, two-car
garage patio-style home. And if those do well,
I'd like to extend that across or up to the
north to the purple RM2 and eventually do more
villas there.

Q. What capacity do you think that area
holds for villas? 15 to 20, 20 to 30?

A. We're at --

Q. In the purple section?

A. Yeah. I would say at 11 acres could we
get 50-plus units in there? I'd like to.

Q. 50 or 15?
Q. Thank you.

COMMISSIONER FIX: That's all I have.

Thank you very much, sir.

COMMISSIONER DAVIS: Thank you,

Commissioner Fix.

Commissioner Levacy has advised me that the questions he anticipated asking just got asked by Commissioner Fix. With that follow-up questioning, I want to come back to the City of Lancaster and ask if you have any further cross-examination that you didn't anticipate until you heard the answers to those questions that were just asked?

MR. ULLOM: I do not. Thank you,

Commissioner Davis.

COMMISSIONER DAVIS: I want to come back to you, Counselor. Any further redirect?

MR. WINKHART: Thank you. Just one question.

REDIRECT EXAMINATION

BY MR. WINKHART:

Q. Tony, we've walked around the property pretty well, anticipate -- talking about what
your anticipated development vision would be.
The one thing we haven't talked about is the
beautiful manor house that currently is on the
property. Could you speak a little bit about
your intent relative to that house?
A. Yeah. So it is a beautiful house. I
feel like it's a landmark, and my intent is not
to touch it and to utilize it in some type of
fashion. Can we use it as a clubhouse for the
community? I just -- I'm not quite there yet,
but my main intent is not to touch or tear down
the house.
Q. Thank you. And one more thing. We'll
go a little bit out of order here, but in the
interest of efficiency, Tony, if you know, the
property is bordered on the south by North
Columbus Street. Do you know who currently
maintains that road?
A. North Columbus Street? It's the City.
Q. Right. So to your knowledge as a result
of the annexation North Columbus Street or no
other street or highway will be divided or
segmented relative to Greenfield Township or the
City of Lancaster?
A. No.

MR. WINKHART: I have nothing further for this witness.

COMMISSIONER DAVIS: Okay. Either of my colleagues have any other follow-up questions as a result of that redirect?

Any questions from the City of Lancaster?

MR. ULLOM: No, sir.

COMMISSIONER DAVIS: Sir, you are now excused, but you are subject to being recalled so I would ask you to please remain for the balance of the hearing.

THE WITNESS: Thank you.

MR. WINKHART: While this may be a little bit unusual, it’s with his permission that I would like to call the City of Lancaster Law Director Randall Ulloa as my next witness.

COMMISSIONER DAVIS: That is unusual, and I wasn’t paying attention when we rose and swore, and would ask you if you did?

MR. ULLOM: I did, yes.

COMMISSIONER DAVIS: Okay. So you can call anybody you want. Go ahead.
MR. ULLOM: I guess my question,
Commissioner Davis, should I just sit here so I
can actually project, or should I go over there
to the microphone?

COMMISSIONER DAVIS: If you're willing
to keep your voice up and I don't get a high
sign from the back that you dropped too low,
we're good to go.

MR. WINKHART: I've been in a couple
meetings with Attorney Ullom, and quietness is
not something that I would accuse him of.

RANDALL ULLOM
called as a witness by the Petitioner, being
previously duly sworn, testifies as follows:

DIRECT EXAMINATION

BY MR. WINKHART:

Q. So, Randall, you've been working on
behalf of the City for several months with
respect to this project. Is that correct?
A. That is correct.

Q. To your knowledge, has the City of
Lancaster complied with Ohio Revised Code
Section 709.03(D) which in general terms is
undertaking legislation to extend and provide
municipal services to the territory proposed for
annexation?

A. Yes, it does. That particular section
you’re speaking about for purposes of the record
just requires that upon the City’s receipt of
the certified copy of the petition for
annexation we prepare legislation specifically
with regard to a resolution to provide services
to the territory should it be annexed.

So we did receive the certified copy of
the annexation petition that you filed with the
Commissioners. Upon receipt of that, we
prepared -- one of the resolutions or one of the
pieces of legislation prepared was Temporary
Resolution 129-19 which was specific as to the
provision of services should this property be
annexed into the city, and that would include,
of course, all utilities, that would include
police, fire and EMS services.

Also with regard to that particular
section of the statute we introduced that piece
of legislation October 14th of this year, 2019.
It received introduction that night and first
reading. On November 4th of 2019 it received
second reading. At which time that piece was
tabled, but on the night of introduction,
October 14th of 2019, the next day I believe the
Clerk of Council Teresa Sandy certified a copy
of that resolution to the County Commissioners
so that we were in compliance with the Ohio
Revised Code, and I did confirm that the
Commissioners received that and they have that
in their filing of this annexation.

Q. Very good. Thank you.

And not that I don't trust Mr. Perez's
previous testimony, but are you familiar with
what political subdivision maintains North
Columbus Street as it abuts the territory
proposed for annexation?

A. Yes. It is the City of Lancaster that
maintains North Columbus Street throughout
there. As we have talked about, I think it's
been testified to before, this particular piece
of property, while in Greenfield Township, is an
island surrounded by the city of Lancaster. So
also with regard to utilities that's -- it's
surrounded by city utilities already.

Q. And to your knowledge are those
utilities in sufficient capacity or contemplated
to be upgraded to sufficient capacity to allow
for the development of this property were it to
be annexed into the city?

A. To my knowledge and conversations with
the city engineer, yes.

Q. Thank you very much.

And specifically because it's a
requirement of the statute, as a result of this
annexation, if you know, would it be your
understanding that if this territory proposed
for annexation is, in fact, annexed into the
city that it would not create a divided or
segmented highway or street particularly as it
relates to North Columbus Street?

A. That is correct. It would not.

Q. Thank you very much.

COMMISSIONER DAVIS: Can I ask a
question? And I'm not sure who would be the one
to answer it, but the manor that's there now or
the home that you spoke of in your testimony,
Mr. Perez, is that well and septic now?

MR. HUTCHINSON: It does have city water
service and it is on a septic system.
COMMISSIONER DAVIS: I was just curious about that. I appreciate your willingness to answer that question.

Do any of my colleagues -- are you done with Mr. Ullom or are you still going?

MR. WINKHART: I'm done with him.

COMMISSIONER DAVIS: All right. I'm asking if my Commission colleagues have any questions that they would like to ask of Mr. Ullom. Commissioner Fix?

COMMISSIONER FIX: No. Thank you.

COMMISSIONER DAVIS: Commissioner Levacy?

COMMISSIONER LEVACY: No.

COMMISSIONER DAVIS: All right.

Sir, you're excused from your status as a witness, but you are subject to being recalled. We would ask that you remain for the balance of the hearing.

MR. ULLOM: Yes. Thank you, sir.

COMMISSIONER DAVIS: Sir, continue with your case.

MR. WINKHART: Commissioner Davis, I have nothing further to go forward with. I
would reserve the right -- I think you've given
me the ability to rebut testimony should we feel
that necessary.

COMMISSIONER DAVIS: Understood. Thank
you. The presentation of the Petitioner's case
is submitted.

At this time the City of Lancaster has
the right, but not the obligation, to present
testimony through the examination of witnesses
or the production of documents.

Sir, do you wish to present any case at
this time?

MR. ULLOM: I have no further evidence.

COMMISSIONER DAVIS: As we explained at
the beginning of the hearing, if Greenfield
Township had chosen to participate in this
hearing, they would similarly be given the
opportunity to present witnesses and evidence
regarding this particular annexation, but they
have elected -- not commenting on the
proprietary of that election, but that's just
the way that is.

Now, as we mentioned earlier tonight at
the conclusion of the presentation of the cases
for the necessary parties, which is where we
are, we'll now have an opportunity for those in
attendance to comment, question, and take any
position you like, pro or con.

I want to touch on a couple of those
issues for just a moment. Number one,
previously I asked if any of those who were here
anticipated commenting at this portion of the
meeting if you would please rise if you were
able and be sworn. A few people have come in
since that opportunity to rise and be sworn, and
so I'm going to ask now again if anybody who did
arrive late or perhaps you were already here and
have since changed your mind and decided that
you would like the opportunity to comment, if
you would now please rise if you're able.

(More witnesses duly sworn.)

COMMISSIONER DAVIS: The witnesses are
sworn. The County Administrator Carri Brown is
going to facilitate your order. There's nothing
special to it. She's just going to politely go
about and bring you up.

I want to make a couple of comments on
process there. If anyone would like to stand
for your testimony, the microphone can be moved
up here to Rachel's desk. If you would like to
sit for your testimony, you're welcome to do
that. I'll remind those who may have arrived
late that we will be under a five-minute
timeline for your comments at least until such
time as everybody who wishes to address the
Commission's been given an opportunity to do so.

If you're asked to conclude your remarks
as a result of the time limit, once everybody
has spoken you will be given an opportunity to
come back up and briefly conclude your remarks.

Also remind you that we've asked all the
witnesses tonight, including you all, to please
begin by stating your name and residential
address.

Thank you. I'm sorry to have delayed
your comments.

MS. DYBALL: Glenda Dyball, 2072 North
Columbus Street.

COMMISSIONER DAVIS: Please proceed.

And, again, I apologize for not recalling if you
heard the prior instructions at the beginning of
the hearing, but by testifying tonight you do
open yourself to cross-examination by either
counsel or the Commissioners if they so desire.
Please proceed.

MS. DYE: Okay. I have a concern
that I went to the mayor's office about
yesterday, and I also went to the planning
office, because in the planning meeting that we
had they told us that everything -- all the
properties across the street on Columbus were --
I can't -- I'm starting to lose my train of
thought. I'm nervous.

COMMISSIONER DAVIS: Please take your
time, ma'am.

MS. DYE: Was commercial property,
and so I knew that it wasn't commercial
property. So I didn't really know how to handle
myself properly in a meeting, nor this one. So
before they voted, I yelled out there's a
mistake with that map, because I wanted them to
know that that wasn't true about these
properties over here being commercial property.

So I went into the planning office and
he gave me this map. Pete Vail is his name.

He's in charge of planning. Then he agreed that
these properties are not. So what we're told
was because they were putting commercial
properties here they felt comfortable putting
the commercial properties here because this was
also commercial. So that's one concern. I kind
of felt like we were misled about that
situation.

COMMISSIONER DAVIS: I understand, and I
just want to help you for a moment there. The
map that you were showing was a demonstration,
and your statement, your testimony is that the
property south of Columbus Street on the subject
map is the property previously identified as
having been commercial property, and your
testimony is that it is not?

MS. DYBALL: That's correct.

COMMISSIONER DAVIS: Please proceed.

MS. DYBALL: My other -- another major
concern that I tried to bring up, and I felt
that I was bullied in that meeting by Paul
Martin, he was in charge of the meeting, was I
moved here in my home in April. So it was all
new to me and this whole world is new. That's
why I was late, because I couldn't figure out
where to park.

But anyway I ended up with a big train wreck in my house, and I wanted to make the developer aware of this situation because it's very serious, and somebody isn't saying things the way they really are. What happened was we had a few big storms, and when we had those big storms -- I even took a video of it on my phone.

I was looking out and the water was shooting out of the storm -- well, I didn't know it was a storm drain. I didn't know what that was. It was shooting out of this manhole in my front yard, and it filled my whole entire front yard literally like a lake it was so bad.

COMMISSIONER DAVIS: Just going to ask is that storm water or sanitary sewer?

MS. DYBALL: Well, at the time I didn't know. I can tell you now I know that it was storm water.

COMMISSIONER DAVIS: Thank you.

MS. DYBALL: So then little did I know -- because I've been living in California. I didn't have a basement. -- the water came down underneath my house, and then it came up
and flooded my basement and my garage. Any,
like, little hole or little crack it just came
in there. And at the same time I had the same
problem with my sewer. It was really, really
weird. So I do -- I could do dishes, I could do
little things, take a shower, didn't have a
problem, but the minute that I did laundry all
of a sudden my basement was backing up with
sewer, the toilet would back up and the --
there's two drains down there. And the sewer
was just coming in. I called my real estate guy
and I said, hey, is part of this house on a
septic tank, you know. I don't know what they
do in Ohio. And he's like, no, I don't think
so.

And so I called the plumber, and the
plumber came out and looked around and couldn't
find -- well, he found the manhole in my front
yard because the metal thing on there stated
that it was sewer. So he opened it up -- and it
was a young guy -- and he looked in there and
he's, oh, this is bad. You need to call the
City. This thing's all the way filled up with
debris and blah, blah, blah.
So I called the City, the sewer
department, and they came out and they looked,
and they said, no, that's the storm drain. You
need to call them.

And so I called them and had to argue
with them to get them out, and they came out and
they found out that all the storm drains were
all the way plugged up on Columbus Street bad,
really, really bad. So that's what had caused
that to come down and flood my basement.

So they came out -- and I've got videos
of them, you know, cleaning that out. But I had
the same conversation with them as I did with
the sewer guys. The sewer system is a whole
different situation because that's a health
concern.

COMMISSIONER DAVIS: I'm -- ma'am, I'm
sorry to interrupt you. I've been a little bit
kind in going over our five-minute time limit.

MS. DYBALL: Oh, I'm sorry, but I have
to tell you about this.

COMMISSIONER DAVIS: You're going to get
that opportunity, because once everybody who
wishes to speak has had the opportunity to do
so, I'm going to invite you back up to conclude your remarks. Okay?

MS. DYBALL: Okay.

COMMISSIONER DAVIS: We're going to stay consistent with our timeline. I did give you a little bit more there. I'm not meaning to be rude and all. I'm telling you you're going to get a chance to come back up once everybody who wishes to speak has the opportunity.

MS. DYBALL: Can I finish one last thing real quick?

COMMISSIONER DAVIS: Yes, you may.

MS. DYBALL: So when I asked them why they don't maintain the system, the sewer system and the storm drain system, they said they didn't have the funds to do it, they said they didn't have the manpower, and they didn't have the equipment. That is a big concern.

But you don't have to ask me back.

COMMISSIONER DAVIS: I don't mean to be rude. I hope you don't take it that way.

MS. DYBALL: No. That's okay.

COMMISSIONER DAVIS: Thank you.

MS. DYBALL: Thank you.
COMMISSIONER DAVIS: Oh, I'm sorry, ma'am. I missed something on that. I had to give the necessary parties an opportunity to ask you questions if they wanted to and they've elected not to. I apologize for the confusion on that.

Sir, if you would please begin by stating your name and residential address.

MR. GERKEN: I think I can stand up and everybody can hear me, right? Really I don't have -- well, I got all kind of questions.

COMMISSIONER FIX: Your name and address, sir.

MR. GERKEN: My name is George Gerken, 2214 Landcrest Drive. I live on the other side of this project. My biggest problem I keep hearing traffic, we're going to do a traffic study. Well, I can go back to a traffic study way back to 1950 when they said 22 -- Route 33 was not going to be on Columbus Street any longer, we got a plan to move it down, and we now have a four-lane highway.

But on Columbus Street you're talking about putting somewhere, if I'm counting right,
6 to 7 -- 6 to 700 different people moving into this area onto a two-lane street that's already overcrowded. I would like to had you with me when I come down here tonight. You would all have to agree with me we have a traffic problem, and now you're going to add to that traffic problem. Now, that's just part of the problem I see.

The gentleman over there said he's been watching this area for 40-some years. Sir, I've been watching it for 80. I watched the thing blow up, and now I'm a part of it. I live over there in part of that addition, but the part you're doing now you're destroying -- I haven't yet figured out how they're going to get all these different entities into that 70-plus acres.

I really would like to say in summing up I would like to see them go back and study this thing so when they ask questions and when they answer questions they're answered, and I don't have to go back and try to figure out whether they said they was going to build a hundred houses, they're going to build 150 houses,
whether there's going to be -- which is the
purple up there? Which is the blue? Which is
the green? I don't understand half the time how
many people are going to be in these different
areas. So I guess I'm back to one thing:
Traffic. And when they can resolve that and
tell me it's going to be actually the way it
should be, I'll go along with it and say we just
move in. Thank you.

COMMISSIONER DAVIS: Thank you, sir. If
you'll remain for just a moment until I've asked
the necessary parties if they'd like to ask any
questions of you at this time.

MR. WINKHART: Thank you. I have
nothing for this witness.

COMMISSIONER DAVIS: Any questions from
the City of Lancaster?

MR. ULLOM: No.

COMMISSIONER DAVIS: Any questions from
my colleagues?

Sir, we thank you for your time and your
courtesy.

MR. GERKEN: May I say if they had no
questions on the fact that I'm involved with
this traffic, then it must be a real problem.

COMMISSIONER DAVIS: Thank you, sir.

Please begin by stating your name and

residential address.

MS. HUFFMAN: Lisa Huffman, 1580

Woodland Heights Lane. And I apologize I had

some dental work so I can't speak up loudly.

I'll try to do the best I can.

I guess my overall question to the panel

is according to the Ohio Revised Code there has

to be some fact finding from which your decision

is made. And all I've heard so far are two

witnesses who are the -- consist of Mr. Perez

and Mr. Hutchinson and in addition the City of

Lancaster prosecutor? Okay.

I guess my question first is to the

prosecutor, because you were at the meeting as

well as -- well, actually all of you were.

Could you state for the record how many --

besides these gentlemen here -- proponents of

the zoning change that was approved by the

planning commission were there who spoke at the

meeting?

COMMISSIONER DAVIS: Ma'am, I don't mean
to interrupt you, but I want to be clear on our
process. This is your opportunity to provide
testimony to the Commission. It's not an
opportunity for you to examine these people as
witnesses. If you ask questions -- or you have
questions that you want the answer to, you can
identify what those questions are. Their choice
at their point of rebuttal to respond to those
questions or not respond to those questions will
be taken into weight by the Commission in our
decision-making process. So if you'll please
direct your questions, comments or concerns to
the Commission, I would appreciate it.

MS. HUFFMAN: I understand. Thank you.

Well, then I as a witness who was at the
planning commission meeting can assert, subject
to cross-examination, that there were no other
proponents other than the parties who were
interested in zoning change. There was an
overwhelming opposition by the community.

The statute requires fact finding, as I
said, and I've heard nothing tonight but
opinion, and there's a huge difference between
fact and opinion. Statements like, well, I feel
like it would be really beneficial, that is not
fact, and I would submit that there has to be a
traffic study done by an impartial third party
independent of the proponent of the annexation
in order for you to make -- before you can make
your decision.

In my opinion having lived here for 26
years it's insane to propose annexation without
a traffic study before you make that decision.

Also to the questions that were
repeatedly asked whether this was considered an
unreasonably large tract of land, one of the --
I know they're not here tonight, but one of the
requirements is that the -- that the -- if it
remains -- if it gets annexed, the ability of
the remaining Greenfield Township to sustain
itself would be a critical issue. In other
words, if it's considered that Greenfield
Township would have difficulty -- would lose a
huge chunk of revenue from its current territory
and would have difficulties, there's no
financial data. That's what I'm saying. You
need financial data in order to make your
decision from Greenfield Township as to what it
is losing. That is fact that needs to go into
this unreasonably large test, not opinion as was
given to you tonight. You have to have that.

And I also would submit that you have to
have factual data that on balance the general
good of the territory proposed to be annexed
will be served, and the benefits to the
territory proposed to be annexed and the
surrounding area -- that's Woodland Heights
Lane, that's every property within half a mile
of Timber Top, there would be a benefit. Well,
first of all, I don't see any benefit to us so
that’s zero right there. -- will outweigh the
detriments to the territory proposed to be
annexed and the surrounding area.

You have to be given factual data, you
have to have facts, evidence, real evidence, not
a matter of opinion, or gee, you know, when I
look at this property, I thought it was lovely,
or I wondered why it hasn't been developed
before. That is opinion. That is not fact.

There is no evidence before you right
now -- I'm submitting that there's no evidence
before you that -- upon which you can make a
decision as to whether these factors have been
met, and on balance it will not detriment the
surrounding area more than it will benefit.

That's all I have to say.

COMMISSIONER DAVIS: Ma'am, hold on just
a moment. Let me get through the procedural
formalities if I might.

Do any of the necessary parties wish to
examine this witness?

MR. WINKHART: Nothing for this witness.

MR. ULLOM: I have no questions.

COMMISSIONER DAVIS: Commissioner Fix?

COMMISSIONER FIX: No.

COMMISSIONER DAVIS: Commissioner
Levacy?

Ma'am, I thank you for your time and
your courtesy.

Your name and residential address, sir.

MR. HUFFMAN: Robert Huffman, 1580
Woodland Heights Lane Northwest.

COMMISSIONER DAVIS: If I might make a
comment, your body language and demeanor and
smile out there is a pleasure for me to see, and
I appreciate you being here tonight.
MR. HUFFMAN: Thanks. I would like to state, first of all, that I do oppose the development. Obviously, it's a fantastic site to be next to. We've been there for 26 years. That was part of the reason we purchased the house we bought, and I hate to see that gone. I do understand that developing property is something that happens. I do believe that they will seek to do an excellent job at that, but that it will be at a detriment to us, the neighbors, to our home values, to the kind of living that we have currently. So I don't take the development lightly.

I have two major concerns with this. One is -- which everyone's brought up -- is the traffic. If I go through, we've got at least a hundred -- proposed, a hundred single-family homes, 150-plus unit apartment complex, anywhere from 20 to 80 villas.

You've got -- in the planning commission it was brought up there will probably be about 150 employees, you've got the 80- to 90-unit skilled nursing facility. I think I've left a few out, but that just in and of itself is a
tremendous number of additional cars that will
be flowing through this area.

We've already -- the zoning has already
been approved for this without having that
traffic study. I'm very concerned with that.
This is a major concern already. We have a huge
traffic problem right now getting out of
Woodland Heights Lane, getting into Woodland
Heights Lane, and this is already basically a
done deal, that they have been zoned for this
approval, to have all of this -- you know, all
of the traffic that will come with us without
having that traffic study, and I think that is a
step that really should be put -- the traffic
study first before the annexation, before the
zoning approval, et cetera.

The second great concern that I have is
with the piece of GCS, the light pink at the
very bottom corner there. If you look for as
far as you can go up the street, all the way
back down, we're all residential. Now, adding
in a nice retirement community, that kind of
sways from that, but that probably could fit in
well. The apartment complex, single-family
homes obviously fit, but I'm very concerned with
GC. That opens it up to everything from a
tavern to a kennel to other things that would be
very detrimental, and that is actually right
next to the Woodland Heights properties.

I have a great concern with why -- with
the proposed need only being a skilled nursing
facility why is that going to be stepped up to a
more permissive zoning instead of given the
zoning that would meet their needs, but not then
adversely affect us by possibly allowing it to
be used for use that would be very detrimental
to us to have that next door.

So these are my two major concerns: The
zoning respect and the traffic respect. And yet
we're already at the point of where it seems
that the City is pushing this to be a done deal,
and that greatly concerns me. Because usually
that's when the residents and the neighbors are
greatly affected.

You know, I understand the need to hurry
and the desire to hurry with this process to get
actually building and such, but when you're
talking about affecting peoples lives, our real
estate, our values of our homes is the largest
asset that we have and will have. I'd like to
be able to have that value appreciate as I
retire.

COMMISSIONER DAVIS: Sir, I thank you,
and if you'll just remain there for a moment
until I give folks an opportunity to -- for me
to find out if they have questions of you.
The necessary parties have any questions
of this witness?

MR. WINKHART: Nothing for this witness.

MR. ULLOM: No.

COMMISSIONER DAVIS: Commissioner Fix,
any questions of this witness?

COMMISSIONER FIX: No.

COMMISSIONER DAVIS: Commissioner
Levacy?

Sir, thank you for your time and your
courtesy.

MR. KOZAR: Good evening. My name is
Tim Kozar. I live at 2157 North Columbus Street
in Lancaster, and I'm one of the houses across
the street from the light pink that's been
rezone commercial. I obviously disagree with
the opinion of Mr. Perez and Mr. Hutchinson that
I will not be impacted by this development.
It's my opinion.
I do have some concerns about what
happened last Thursday, and I would like to --
it was my understanding that the gentleman named
John Sigafos was the individual who motioned to
accept the proposal for the rezoning of the
property. It's been my understanding -- I've
been told that Mr. Sigafos lives -- is a
resident of the third floor of the Mithoff
building downtown, which means that
Mr. Hutchinson is his landlord. To me, I
believe that's a conflict of interest.
Correct me if I'm wrong here, but I just
have a concern about how the events of Thursday
went down, and this is a residential -- this is
a residential area. It's all been single-family
homes in the North Columbus Street, River Valley
Highlands, Woodland Heights, it's always been
single-family homes, and I disagree
wholeheartedly.
And I know progress happens, but the
other owners of Timber Top after Cy Fulton, they
chose to keep the property as is, to maintain
the property as is. And now, of course,
Mr. Hutchinson owning it, that's his business,
but he has to realize that it impacts an entire
neighborhood, and I just have concerns about
this so that's all I have to say. Thank you.

Any questions?

COMMISSIONER DAVIS: Thank you for your
time and your courtesy. If you'll give me just
a moment here. Are there any questions from
either of the necessary parties?

MR. WINKHART: Nothing for Mr. Kozar.

MR. ULLOM: Nothing.

COMMISSIONER DAVIS: Commissioner Fix?

Commissioner Levacy?

Sir, thank you for your time and your
courtesy.

I'll give you a moment to sign in before
we start the clock, sir.

Folks, I'm going to give you a warning
shout here. There is no time constraint on the
length of this hearing, only on the length of my
ability to not have a brief recess at some
point. So I'm alerting you to that so you won't
think something has happened in the hearing that
has caused me to call for a recess. It has
nothing to do with the hearing, but there will
be a recess at some point. I'm guessing before
the conclusion of the hearing. I thank you for
your time and for your courtesy.
Sir, if you'll begin by stating your
name and residential address.

MR. BLAISDELL: Sure. My name is Howard
Blaisdell. I live at 2220 Landcrest Drive in
Lancaster. I live on the north side of the
property. I've got a couple comments. I did
speak extensively at the previous hearing, tried
to ask some particular questions to get answers
for some of the neighbors. I do recognize that
the developer of the property, from what I've
seen, has the best interest in the community at
heart, and they're trying to do this in a
reasonable manner, but I did want to bring up a
couple things that have already been stated
today and maybe add just a little bit of flavor
to it.

One is making sure that that traffic
study has -- as it's being looked at -- I know
you've got the information from it, but did
that -- did the parameters for that include the
renovations that are being done to Ety and to
Election House Road as part of that traffic
study as far as the expectation intent going
forward?

COMMISSIONER DAVIS: Sir --

MR. BLAISDELL: And I understand they
won't answer unless they choose to, but I just
want to state it again for the record that I
hope that they will really look at that in great
detail. Especially being the hill as you go
down toward Whittier which we expressed before
is a major concern of our neighbors.

It's been identified -- Glenda mentioned
the concern about the water to the neighborhood.
We just want to make sure that we understand
that the City really does understand the extent
of the water service being expected to be added
to this area of town. And I don't know what the
impact is going to be on the City to provide
additional water for these additional units, but
I think it's worth being said for the community.

I also have a concern with the CG zoning
on the pink parcel. I understand from what Tony
has mentioned is that the ideal use for that and
what you're pursuing is the skilled nursing
facility. I think most of us neighbors are
certained that the City has been the one pushing
for the CG with the idea that there could be
some offices there if the nursing facility
doesn't go through.

But part of what our concern from the
neighbors is without rezoning, if something
happened, if the development fell through, that
zoning does allow for other less restrictive
uses even such as automobiles and service
establishments under the commission -- under the
commercial general. So I know a lot of us
neighbors have been thinking about this and
saying, why is this not being zoned as a
commercial neighborhood, because the commercial
general still requires a special use exemption
for that skilled nursing home.

So we're asking has that been thought
about, has that been really thought about in
detail? Because we're concerned -- granted, I
understand if your -- Tony, since your group is
going to be building this and maintaining this, it's in your best interest to have a good facility next to you as well, but we just want to make -- you know, our concern is us as neighbors, we've not worked with you before, there is a new experience for us, and making sure that we understand that those things are taken into account when we look at this zoning.

We also have a concern about the amount of woodlands that are on this land. It's called Timber Top for a reason. And we understand that a lot of this will be impacted by the development and we're hoping that it is done in the sustainable manner that maintains some of those buffers to the rest of the community for the existing trees that provide buffers to the adjoining community as amenity to the community as a whole.

And then lastly I think it was brought up and I believe that you mentioned at that hearing there's a property, it's lot 10 in the Woodland Heights zone, that currently has a fire easement across there, and I didn't know where those people should be looking at in terms of
the process that should be done, whether it's
from the county or for Greenfield Township, how
is that easement annulled? Because it's really
just a fire lane easement to provide access to
the Timber Top estate. Since the new roads
service that, the fire department won't need
that. I was hoping Timber Top -- I was hoping
Greenfield Township would be here tonight and be
able to answer that in terms of that, because I
know you're willing to erase the road for them
which I think is great. I was just thinking
something should be entered into legislation
somewhere along the way to annul that easement
as part of that.

MR. HUTCHINSON: Can I address his
comments about the service road?

COMMISSIONER DAVIS: Not at this point
in time. And I just want you to understand that
it's not me being rude to you. It's me making
sure that the process as we've described it and
the rules of the conduct of the hearing are
followed at all points by all parties. You will
be given an opportunity during rebuttal to go
under direct examination from your counsel and
at that time you'll have an opportunity to
answer any questions that your counsel may put
to you.

25 years of conducting public hearings,
if I just even give an inch, a mile's going to
get taken. So I apologize to you, sir.

And I did not discount your time. You
have a few seconds remaining, sir.

MR. BLAISDELL: That's fine. I had one
last thing to take about 15 seconds, is from my
math on the number of units we're looking at
we're looking at probably 860 cars being added
to this development, being added to this, and at
that point I'm open for any questions.

COMMISSIONER DAVIS: Thank you, sir, for
your time and your courtesy. If you'll give me
just a moment.

Counsel for the Petitioner have any
questions?

MR. WINKHART: I do.

COMMISSIONER DAVIS: You do have
questions of this witness.

Sir, your on cross-examination now.

MR. BLAISDELL: Sir.
CROSS-EXAMINATION

BY MR. WINKHART:

Q. Mr. Blaisdell?

A. Yes.

Q. Hi. I'm handing you what will be marked as Petitioner's Exhibit Number 3.

COMMISSIONER DAVIS: C.

MR. WINKHART: Okay. It actually says Exhibit Number 3 on there. We'll mark it as exhibit --

COMMISSIONER DAVIS: That's fine. Three is fine. We will keep the record at 3.

MR. WINKHART: Okay. Thank you.

BY MR. WINKHART:

Q. Mr. Blaisdell, can you identify that seal in the lower left-hand corner of the map?

A. City of Lancaster.

Q. Okay. And right below Exhibit Number 3 can you say what that map says?

A. It's a zoning map.

Q. Okay. To your knowledge is that the accurate zoning map for the city of Lancaster for the property that affects the territory proposed for annexation?
A. I do not know for sure, because Glenda
noted there may have been a mistake on that map
in the area across -- directly across the street
that's listed as commercial. What I can say is
that anything commercial that's been on the
other side of the street is accessed off of
Memorial Drive rather than accessed off of
Columbus Street.

Q. Okay. So if I could take you down a
little bit of a path here and if you could, if I
said to you that that was, in fact, the zoning
map for the city of Lancaster, would you at
least accept that for purposes --

A. Yes.

Q. Okay. Directly across the street to the
south across Columbus Drive -- Columbus North
you see there are several parcels, I'll count,
1, 2, 3, 4, 5 that are shaded in orange and
designated as commercially zoned property. Is
that correct?

A. That's what I see there.

Q. Okay. And do those properties access
Memorial as you've said all of the parcels do?

A. Those houses do not.
Q. If you know, are those parcels currently used as single-family residential homes?
A. That is my understanding and observation, yes.
Q. But zoned commercially, those houses could be used -- or those parcels could be used for an automotive repair facility as you previously indicated could occur across the street?
A. That is possible. It could occur, yes.
MR. WINKHART: I have nothing further for this witness.
MR. ULLOM: Nothing from the City.
COMMISSIONER DAVIS: City of Lancaster any questions for this witness?
MR. ULLOM: No, sir.
COMMISSIONER DAVIS: Commissioner Fix, any questions for this witness?
COMMISSIONER FIX: No.
COMMISSIONER DAVIS: Commissioner Levacy?
COMMISSIONER LEVACY: No.
COMMISSIONER DAVIS: Sir, we thank you your time and your courtesy. You're dismissed
as a witness in this matter, and I am going to
take advantage of a recess. For anyone who's on
a schedule, I apologize. We'll have a 10-minute
recess. It's -- now I got military time and
regular time. It's 7:32 and we'll be on recess
for 10 minutes.

(Recess taken.)

COMMISSIONER DAVIS: This hearing is
back in session. At this time I'm advised by
County Administrator Dr. Brown that the only
remaining witness at this section --

MS. BROWN: Maybe two. One. Maybe two.

COMMISSIONER DAVIS: All right. So,
ma'am, earlier in the evening you were asked to
conclude your remarks, and I'm going to give you
an opportunity now to please conclude your
remarks.

MS. DYBALL: Should I say my name?

COMMISSIONER DAVIS: Yes, please.

MS. DYBALL: Glenda Dyball. I was just
wondering if anybody needs to see what the
community's going to be missing as far as the
beauty that the property offers as it stands
right now? How do I show that?
COMMISSIONER DAVIS: Well, we can see that from here, and speaking for myself, I've been to that property in my time.

MS. DYBALL: Does the city master plan come into question or do they read that city master plan that was done in 1990 regarding their rules that they set forth to protect certain things in the city?

COMMISSIONER DAVIS: So the Commission isn't subject to examination tonight, but I will just highlight for you, frustrating as it is I know for some of you -- and I've heard both through your testimony and side comments that many were not pleased with the process or the conduct of the city zoning hearing.

MS. DYBALL: That's correct.

COMMISSIONER DAVIS: But I do want to make clear that this is not a rehearing of the city zoning process. I know that doesn't directly answer your question, but please, you're free to conclude your remarks.

MS. DYBALL: So I just wanted to finish up on the sewer that I was talking about. It took the city a full day to find where my sewer
went to. There was a manhole that went straight
to my property. I was like at the end of the
line of all the properties in my area, and they
had to dig down three feet to find the manhole,
and then it was full of methane gas because it
hadn't been maintained for -- they didn't even
know how many years.

And so when they took that off, it was
eight feet deep with sewer, and so it was acting
like a septic tank. And the part that I didn't
get in when I spoke with them, when I asked them
about maintaining the sewer system, they also
told me they didn't have the manpower, they
didn't have the funds, they didn't have the
equipment. So what they had to do rather than
maintaining the system was they had to be pro --
I mean, reactive rather than proactive.

So it's something I don't really know
who I ask, or if it's a concern to you guys
about it being a health issue or where the proof
is that it's running properly, but as far as the
city master plan goes you can find it online,
and it states before any big developments come
in that they're supposed to have all of these
problems taken care of beforehand, not during
and not after. And that concludes my statement.

COMMISSIONER DAVIS: Thank you for your
time and your courtesy. Give me just a moment,
please.

Are there any questions for counsel for
the Petitioner?

MR. WINKHART: Nothing for this witness.

COMMISSIONER DAVIS: From the City of
Lancaster?

MR. ULLOM: No questions.

COMMISSIONER DAVIS: Commissioner Fix?

COMMISSIONER FIX: No. Thank you.

COMMISSIONER DAVIS: Commissioner
Levacy?

COMMISSIONER LEVACY: No.

COMMISSIONER DAVIS: Ma'am, we thank you
for your time and your courtesy, and you are
excused.

MS. DYBALL: Thank you.

MS. BROWN: No others.

COMMISSIONER DAVIS: So at this point in
the hearing the Petitioner -- and for those of
you who may not have been here at the beginning
of this hearing when the process was explained
at this point in the hearing the Petitioner is
given the right, but not the obligation, to
offer rebuttal testimony, and I'm going to ask
now counsel for the Petitioner if you would like
to offer rebuttal testimony?

MR. WINKHART: If I may, just a few
questions.

COMMISSIONER DAVIS: Of whom?

MR. WINKHART: If I could first recall

Mr. Brad Hutchinson.

COMMISSIONER DAVIS: Yes, you may.

Sir, you remain under oath.

THE WITNESS: Yes, sir.

REBUTTAL EXAMINATION

BY MR. WINKHART:

Q. Brad, if I can, just a couple of
clean-up items, and then a couple questions just
to understand some of the testimony that came
from some of the nearby residents.

First of all, at the time that the
annexation petition was signed were you the
owner of the Timber Top property?

A. Yes, sir, I was.
Q. And have you continuously owned the Timber Top property for in excess of a year?
A. Yes, sir, I have.
Q. And currently you own that property?
A. Yes, sir, I do.
Q. Thank you. Mr. Hutchinson, do you know how much real estate tax you pay on an annual basis for the 77 acres at Timber Top?
A. I believe the total tax paid is about $17,000 per year and the Greenfield Township portion of that is $258 a month.

COMMISSIONER DAVIS: I apologize for interrupting you, but I've been asked to make a clarification for purposes of the record as it relates to the series of questions just asked about ownership. When you asked Mr. Hutchinson if he has continuously owned the property, we want our record to be clear that isn't it the Mithoff Company that has continuously owned the property of which you are the sole owner?

THE WITNESS: Yes, sir, that is correct.
COMMISSIONER DAVIS: Okay. Are we good over there?
I apologize for interrupting you.
Please continue.

MR. WINKHART: Yeah. I appreciate the clarification.

BY MR. WINKHART:

Q. So, Brad, it's my quick math that if $258 per month of the real estate taxes goes to Greenfield Township that would be approximately $3,096 a year of real estate tax revenue that would be received by Greenfield Township?

A. That is correct.

Q. So, Brad, there's a neighborhood that is to the north and to the west of your Timber Top property. I believe it's called River Valley Highlands. Is that correct?

A. Yes, sir, that's correct.

Q. And to your knowledge approximately how many homes would you say are in that development?

A. I believe there's over a thousand. I don't know the exact count, but I believe the total development now is over a thousand homes.

Q. And was that property originally in Greenfield Township to your knowledge?

A. Yes, sir, every bit of it I believe so.
Q. Was that annexed into the city of Lancaster at some point?
A. Yes, sir.
Q. And so those thousand or so homes there have really been the product of a process very similar to what we're going through right now?
A. I believe so, yes.
Q. Thank you. Earlier we heard some testimony about an easement that comes off of the cul-de-sac at the end of Woodland Heights Lane that I understand serves the large house on your property. Can you give some history relative to that easement?
A. So I've had conversation with the retired Greenfield Township fire chief, Chief Terry Morris, and I've talked to Kevin Yeamans who is the Greenfield Township Zoning Coordinator. So when Timber Top was initially built, it had one driveway in and it was one home.
When Woodland Heights was developed, the concern come into play about all of those great, beautiful big trees. However, on Woodland Heights if one of those trees down close to
Columbus Street were to fall in the road, the
Greenfield Township Fire Department needed to
have a secondary access road if a house up on
top of the hill catches on fire and they can't
access Woodland Heights. So the easement was
put in really for the benefit of Woodland
Heights and also for the Timber Top property.
Timber Top today has two driveways. It
didn't have when it was initially developed. So
from my standpoint as an owner I don't have a
problem if it goes away, but I would certainly
think the folks of Woodland Heights need to
think twice about their security if a tree falls
in the road and a fire department can't get
across that driveway.

Q. Thank you very much. So, Brad, after
having had an opportunity to hear the neighbors
and residents and hear the things that they say,
has anything changed your mind relative to the
opinion that you previously gave that the Timber
Top property and the surrounding property would
be benefited from and further served by the
annexation of that property into the city of
Lancaster?
A. No. My mind has not changed. I believe a retirement community is absolutely the best use for the property, for residential homes.

The one thing I would like to point out that I think people are overlooking is under the current zoning under Greenfield Township there's a lot of things that could go in there. I've had meetings with Greenfield Township, with the trustees, as well as with Kevin Yeaman, as I said. You know, as it's zoned currently today I could put a hog farm on that property, and it's currently zoned the way it is. I would not have to get any alterations to do that. So there are worse things that could go into the property.

MR. WINKHART: Thank you very much. I have nothing further for this witness.

COMMISSIONER DAVIS: Just a moment, sir.

City of Lancaster, do you have any questions of this witness?

MR. ULLOM: No questions. Thank you.

COMMISSIONER DAVIS: Commissioner Fix?

COMMISSIONER FIX: No.

COMMISSIONER DAVIS: Commissioner Levacy?
COMMISSIONER LEVACY: No.

COMMISSIONER DAVIS: All right. Sir, thank you. You are excused. Your testimony is concluded. You're welcome to remain or leave.

MR. WINKHART: If I could call Tony Perez on redirect, please.

COMMISSIONER DAVIS: You may.

Mr. Perez, you remain under oath.

REBUTTAL EXAMINATION

BY MR. WINKHART:

Q. Mr. Perez, I'm handing you what's been previously marked as Exhibit 3 or C. I've marked it both ways. Can you identify that exhibit?

A. It's the zoning map that was in the packet for our planning commission meeting held last week.

Q. And do you believe that to be the correct and accurate zoning map for the property that is proposed to be annexed into the city of Lancaster?

A. Yes.

Q. Mr. Perez, there's been some conflicting testimony tonight, but by your read I would
direct your attention to the several residential
properties on the south side of North Columbus
Drive. Would it be correct to say at least five
of those parcels are shaded orange and currently
zoned commercial?
A. Yes. And I mean part of the Lowe's
property that's CG is across from our -- from
the Timber Top property as well.
Q. So based on this map would it be fair to
say that at least half of the road frontage
across the street from the Timber Top property
is consistently zoned as commercial zoning
exactly the same way that it's been proposed
across the street on the Timber Top property?
A. Yes.
Q. Thank you. Mr. Perez, is it your
understanding that this zoning -- the future
zoning for this property in the event that it's
annexed into the city of Lancaster will
ultimately be determined by the Lancaster City
Council?
A. Yes.
Q. And to the extent that there are utility
upgrades necessitated by the proposed

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development on the property proposed for
annexation are those utility upgrades going to
be borne -- the cost of those utility upgrades
going to be borne by the developer?
A. Yes.
Q. Mr. Perez, you've been developing
multiple commercial sites over the last several
years. Is that correct?
A. Yes.
Q. And would it be fair to say that as part
of your site plan approval on your commercial
developments that storm water retention and
detention is something that is imposed upon you
by the applicable political subdivision where
you're working?
A. Yes.
Q. And do you, in fact, have to retain or
detain your storm water runoff in a way that
doesn't increase the flow or rate off of your
property being developed?
A. Yep. It's all calculated by engineers
and signed off by the municipality that's the
engineer.
Q. Mr. Perez, there's been talk about a
traffic study. Is that traffic study for the
Timber Top property currently underway?

A. Yes.

Q. Is that traffic study being conducted by
a professional engineering firm or firm
credentialed to do a traffic study?

A. Yes.

Q. Do you have any interest in that company
doing the study?

A. No.

Q. Would it be fair to say it's a third
party, independent company doing that?

A. Absolutely.

Q. And that will be delivered to the City
of Lancaster for their evaluation and review by
their engineering department?

A. Yes.

Q. Mr. Perez, based on your experience in
other communities and based on your
conversations with the city engineer and the
administration do you believe that whatever the
requirements are resulting from that traffic
study that the developer is going to have to
comply with those findings?
A. Yes.

Q. And is it your intent in developing a class A multi-use development that good traffic mechanics is something that you would like to see achieved for the benefit of your project?

A. Yes.

Q. Tony, you've had an opportunity to listen to the testimony here tonight. Is there anything that you have heard that would dissuade your opinion and your previous testimony that the territory proposed to be annexed will be benefited by the annexation of this property into the city of Lancaster?

A. No.

Q. Is there anything that you've heard based on your experience in developing multiple multi-use developments and multiple higher-end senior living facilities, anything in your experience that would lead you to the opinion that your proposed development is going to have a detrimental effect on the adjacent properties?

A. No.

MR. WINKHART: Thank you. I have nothing further for this witness.
COMMISSIONER DAVIS: All right, sir.

I'm going to ask the City first if you have any questions of this witness?

MR. ULLOM: I do. Just a couple if I may.

COMMISSIONER DAVIS: Please proceed.

SUREBUTTAL EXAMINATION

BY MR. ULLOM:

Q. Mr. Perez --

MR. ULLOM: Thank you, Commissioner Davis.

Q. Mr. Perez, I just wanted to -- and I apologize, but we've heard folks come up here and talk about traffic and their concern over traffic. I'm sure that's something you've heard in past developments, right?

A. Past developments, yes.

Q. Okay. I guess could you answer for them why hasn't a traffic study already been done?

A. We're in the process of it. The city engineer has just finished his scope I believe last week, two weeks ago, and we're following that scope and that guidance to move forward with our traffic study.
Q. Do you know how much does a traffic study with the scope that this is -- a range of cost of a traffic study?
A. 15 to $20,000.
Q. And you say that is underway at this time?
A. It is underway.
Q. So the purpose of it -- is there a reason why it's being done now while we're still sitting here in the annexation process?
A. I think a lot of it has to do with identifying what the uses were, what we're anticipating. We might have a little bit better of an idea now on what some of the uses are in this mixed-use development.
Q. So not putting words in your mouth, but as this process goes through and you're formulating your development -- your proposed development of this property and you're seeing what zoning is necessary to do that, what you're saying is that all plays into the traffic study. Is that correct?
A. Yes. Zoning, potential users, you know, who's interested, who else is going to come
along with this, what -- even identifying our
senior piece and how many units are there, how
many villas we're going -- all still -- I'm
getting more defined as we go and we move
through this process and we move through the
zoning, we move through the annexation. This is
something that is obviously evolving as we
speak.

Q. Just lastly I think -- I don't know if
you testified here today or I heard it at
planning commission last week, but I thought I
heard you at some point testify or say that the
Lemmon group intends to not only build and
develop the senior living facility, the Danbury
as you call it, but they intend to stay on and
manage that and be the property owner of that
development?

A. That's correct, yes.

Q. So continue to be a property owner as
traffic is -- and the control of traffic is
important to all these folks that have come up
here tonight and expressed that. How about you
as the owner?

A. It's very important. Obviously we want
safety for our residents’ family who come to
visit and for the people that we employ coming
out in that community, yes.

   MR. ULLOM: Thank you. I have no
   further questions.

   COMMISSIONER DAVIS: Questions from
   Commissioner Fix?

   EXAMINATION

   BY COMMISSIONER FIX:
   Q. So this may be the appropriate time to
   ask. My experience in the City of Pickerington
   is that when we did a traffic study and the
   study showed that either turn lanes needed to be
   created or stoplights needed to be built, that
   it was then incumbent upon the developer to make
   those changes necessary before or as they were
   building their property, right? So a lot of
   folks have expressed concerns about traffic,
   legitimate questions and concerns about traffic.
   The end result of your traffic study will come
   up with some conclusions of things that need to
   be done in order to maintain a reasonable
   traffic flow through that community, and between
   you and the City, the City will hold you
accountable, and it will be your responsibility
to make those improvements as needed to maintain
traffic flow?

A. The site improvement costs will be
evaluated, and we will talk with the City and
then basically be a direction -- pushed back to
the developer, yes, that we'll need to take care
of.

Q. And you've built that into your budget I
assume?

A. Yeah.

COMMISSIONER FIX: Okay. Thank you.

COMMISSIONER DAVIS: Questions from
Commissioner Levacy?

COMMISSIONER LEVACY: No.

COMMISSIONER DAVIS: No questions at
this time.

Any redirect as a result of the
questions that were asked?

MR. WINKHART: I just have a few
concluding remarks.

COMMISSIONER DAVIS: I'm going to stop
you before you go to your concluding remarks.

One of my goals -- the Commission's goals in
conducting this hearing tonight is to try to
make certain that everybody who wishes to
participate and who wishes to share information
with the Commission has been given an
opportunity to do so.

I'm advised that one of our prior
commenters would like to make an additional
comment. I'm going to permit that, but also
encourage you to be brief. I'm trying to be as
respectful as I can. So if you would return
that courtesy in your brevity, I would
appreciate it. Your name again?

MS. HUFFMAN: Lisa Huffman, 1580
Woodland Heights Lane. I understand I can't ask
questions.

COMMISSIONER DAVIS: That's right. You
can ask rhetorical questions and the choice to
answer those or not will be on them.

MS. HUFFMAN: Well, I'm just wondering
how it is possible to comply with the traffic
study -- well, first of all, I don't know when
the traffic study is going to be completed, and
I'm concerned it will be completed -- will not
be completed before the panel needs to make its
decision.

Number two, I'm concerned that there is no control on the part of the developer over putting -- reducing the speed limit or putting a stop sign at Woodland Heights Lane or something -- additional traffic device further down the road from property that he does not own, how can he comply with the requirements if he doesn't even own the property that is subject to those requirements.

And number three, it was my understanding from my -- being present at the hearing -- zoning hearing, which I know was something that we are not supposed to further discuss, but the door was opened by Mr. -- the attorney representing the developer that -- you know, about the commercial -- so called commercial zoning that are all houses there across the street. Was -- it was my understanding that commercial general was not the desire of the developer, and he could correct me if I'm wrong, that he was basically advised to seek a commercial general designation by the City in order to receive this approval,
that commercial neighborhood would perfectly
well suit his purposes for a skilled nursing
facility. That's all I have to say.

COMMISSIONER DAVIS: I appreciate it,
ma'am. You are subject to cross-examination if
anyone wishes. Sir?

Mr. Ullom?

MR. ULLOM: No.

COMMISSIONER DAVIS: Commissioner Fix?

COMMISSIONER FIX: No.

COMMISSIONER DAVIS: Commissioner
Levacy?

COMMISSIONER LEVACY: No.

COMMISSIONER DAVIS: Ma'am, thank you
for your time and your courtesy.

And I apologize to all those who heard
the rules when I announced them to begin with
and for my violation of them. I assure you my
doing that was to facilitate an environment in
which the folks that are in attendance here
tonight feel like they had an adequate
opportunity to express their questions, comments
or concerns during the process of this hearing.

Now, sir, if you would like to continue
your rebuttal evidence you're welcome to do so.

Otherwise, I would ask you to proceed to

concluding remarks.

MR. WINKHART: Thank you very much. I

have nothing further on rebuttal. I just have a

few remarks to make. And in addressing

Mrs. Huffman's comments, as we were laying out

our proposed zoning it was not something that

the City somehow foisted upon us. Based on good

development precepts, it was the developer's

desire to match zoning across the street, and

that's, in fact, what we did, was to match the

existing zoning across the street.

There's been good testimony on behalf of

the developer tonight that the current intent of

the development is to include a skilled nursing

facility or some residential-type use across the

street on the Timber Top property that would

certainly be permitted in the commercial general

zoning district.

So if I could in concluding maybe bob

and weave a little bit between concluding

remarks and a little bit of personal testimony.

I did -- I was sworn in at the outset of this so
I understand that anything I would say would be
under that affirmation.

COMMISSIONER DAVIS: Just for purposes
of the record, I want to be clear everything
you've said tonight has been under oath.

MR. WINKHART: Yeah.

COMMISSIONER DAVIS: I'm not kidding.

MR. WINKHART: No. I swore with my hand
up. So first of all, I want to say to the
Commissioners that I've had a privilege of
representing the developer, in this instance
Lemmon Development, and his varied partners for
over 30 years now, and I can say under that oath
that I've been very proud to represent literally
hundreds of millions of dollars of development
throughout the state of Ohio, one of which I
personally live in that I would be proud to have
myself or a relative of mine live, including one
of 22 senior living facilities across the state
that I characterize as A-plus facilities. And I
know that that is what is planned for the use on
this very special piece of property.

I get the way the adjacent neighbors
feel, because I live at the end of a cul-de-sac
that is surrounded on two sides by a 400-acre
farm, and I've had the benefit of viewing that
farm for the 16 years that my family has lived
there. I also understand that I don't own that
400-acre farm nor am I entitled to dictate how
that owner uses his property. I can't tell him
what crops to grow, I can't tell him whether or
not he can have sheep there, which he does, and
I understand that if he desires to develop that
property in the future other than the
restrictions of the township within which we
live, I have to understand that that's his
property, not mine, to be developed, and so --
but that doesn't take away the sentiment or the
emotion that you've heard expressed tonight.

I think as this Board is aware Ohio law
favors annexation, and I think that a common
reading of Ohio law relative to annexation is
very much in favor of appropriately sized pieces
of property being annexed into the adjacent
municipalities, and that is what, in fact, we're
asking for here tonight.

I believe that the Petitioner has fully
complied with Chapter 709 of the Ohio Revised
Code with respect to each of the elements
required in substance and in form, and I pray
that this Commission favorably finds the
Petitioner's annexation and approves the same.
I want to thank you -- thank the
Commission members, the Commissioners, for this
hearing tonight, and I certainly want to thank
the county staff that has been very supportive
in assisting our efforts to facilitate our
annexation petition. Thank you very much.
COMMISSIONER DAVIS: Thank you, sir.
Any concluding remarks from necessary
party Lancaster?
MR. ULLOM: No remarks. Thank you.
COMMISSIONER DAVIS: The process that
the public and those in attendance can expect
moving forward on behalf of the Commission,
there's a couple of technical things we have to
deal with before we'll move on to our
substantive deliberations.
Once issue is I was advised in a sidebar
earlier this evening that it may be something on
the order of two weeks before the transcript of
the hearing is available to the Commission. At
which time we ask for the findings of fact to be prepared, which I mentioned in my opening remarks as being a necessary predicate to our decision-making, the staff that we will direct in the preparation of those findings may want to draw cites to the record which comes from the transcript. So we will await the completion of that transcript.

In the meantime the Commission has its meetings on Tuesdays -- Tuesday mornings, some Tuesday are longer than others, but at some point in the near term we may begin to deliberate on the substance. That will not be this evening.

We are targeting December 17th for our decision regarding the proposed annexation, and we hope to have the transcript and the preparation of potential findings of fact in advance of December 17th when we would anticipate deciding this issue.

With that, the case is deemed submitted. It is under advisement by the Commission. I want to say to the folks in the audience and everybody, really, being a public servant for 25
years and conducted at least hundreds, I don't
know, maybe thousands of meetings, but your time
and courtesy here this evening has been
exceptional and appreciated on behalf of the
Commission. We thank you all for coming. This
hearing is closed.

I'll accept a motion.

COMMISSIONER FIX: Move to adjourn.

COMMISSIONER DAVIS: I've got a motion
to adjourn and a second. All those in favor say
aye.

(All say aye.)

COMMISSIONER DAVIS: Opposed, same sign?

Motion carries. The Commission is
adjourned.

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Thereupon, the proceedings of November
19, 2019, were concluded at 8:15 p.m.

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CERTIFICATE

I, Julia Lamb, RPR, CRR, a Notary Public in and for the State of Ohio, do hereby certify that I reported the foregoing proceedings and that the foregoing transcript of such proceedings is a full, true and correct transcript of my stenotypy notes as so taken.

I do further certify that I was called there in the capacity of a court reporter, and am not otherwise interested in this proceeding.

In witness whereof, I have hereunto set my hand and affixed my seal of office at Columbus, Ohio, on this 3rd day of December, 2019.

Julia Lamb

Julia Lamb, RPR, CRR
Notary Public, State of Ohio.

My commission expires: 10-10-22