

Zoning and Annexation Committee Meeting Minutes

Council Chambers, John Knisely Centre

May 14, 2018

The Zoning and Annexation Committee meeting was called to order at 6:45 p.m. by the Committee Chair, Cheryl Ramos. Committee members in attendance were Dan Lanzer and Aimee May. Also in attendance: Kelly Ricklic and John Zucal (Council members); Mayor Joel B. Day, Council Clerk Julie Courtright, Council President, Safety Director Greg Popham, and Tom Gerber (Treasurer). Guest in attendance was Mr. George Hebling of A-1 Developers and Jon Baker from the Times Reporter.

PURPOSE: The agenda item for tonight is to discuss requiring annexation to the City to obtain water and sewer services and any other matter to come before the committee. This committee assignment has been prompted by a communication from Jill Lengler, Tuscarawas County Regional Planning Director, advising Mayor Day of a 2004 Appeals Court decision regarding municipalities requiring annexation to obtain water and sewer services. All Council members have received this attachment via email. Due to his absence at tonight's meeting, Law Director Fete has provided his legal analysis and opinion in an email to all Council members at the request of the Chair.

DISCUSSION:

Joel Day, Mayor: By annexing into the City the developers have to pay net profit tax which would fund the wear and tear on the roads, pay for fire and police protection, and other City services in addition to the developers being required to follow the City zoning and building codes. The City wants to control development on our borders by requiring annexation into the City to obtain water and sewer services.

The Chair asked the Safety Director how annexation would impact the police, street, garbage, and fire departments – how would that impact those departments and the cost to run them? Mr. Popham stated that it would increase the mileage and wear and tear on City vehicles plus take away police presence from one area to cover a larger area. He said that the cost would be hard to determine and initially would not affect the new fire department building but increase would affect EMS services. The cost would have to be seen. Mayor Day stated that the business will pay net profit tax which will help to pay for services.

The Chair asked if individual property owners be required to annex even if they don't want to. Mr. Fete has said we can go retro-active to require services. The Mayor stated that he sees this enacted as going forward and the businesses/individual property owners would continue to pay 2x the rate and that could rise also.

Dan Lanzer: In the long term it would benefit the fire protection as the increase in tax receipts because we would be covering the area anyways. He suggested that the City offer that nursing home may want to reconsider annexation because of increased water rates. Dan supports annexation be required to receive City services.

John Zucal: Current recipients outside of the City would be grandfathered in (not required) and could annex if they chose to do so.

The Mayor explained that the annexation process does already address the need to the township and the County be involved in any annexation.

Mr. Hebling suggested that we look at how they are doing this in Columbus and annexing into other counties and expanding whereas Cleveland required annexation to receive city services and their industrial base is leaving. He explained how they want to develop without annexing because it increases their profit. A-1 would like to have a pre-annexation agreement. He also suggested that we keep our annexation laws updated and consider the type of industry we want.

The Chair asked Mr. Ricklic about what our system can handle. He said that it was built to handle four million gallons/day but cannot produce that but currently handles about 2.8 million gallons/day. The system is near the end of its life and would need to be revamped. More reservoirs would need to be developed. Mr. Ricklic explained how the water pressure worked in the system.

ACTION: Dan Lanzer made a motion that the proper legislation is drawn up to require annexation prior to receiving water and sewer services from the City. Aimee May seconded the motion. All voted in favor.

Having no other business to discuss Mrs. May moved that the meeting be adjourned at 7:13 p.m.

Respectfully submitted,



Mrs. Cheryl Ramos
Chairwoman

An audio recording of this meeting is available from the Clerk of Council.