

April 26, 2018

PROCEEDINGS

Lordstown Village Council Special Meeting

(WHEREAS, the special meeting before the Lordstown Village Council commenced on Thursday, April 26, 2018, and proceedings were as follows:)

MAYOR HILL: I'll entertain a motion to excuse Mrs. Jones and Mr. Radtka. I'll entertain a motion to that effect.

MR. REIDER: So moved, Mr. Mayor.

MAYOR HILL: Moved by Mr. Reider. Is there a second?

MR. SHEELY: Second.

MAYOR HILL: Second by Mr. Sheely. Comments?
(NO RESPONSE FROM COUNCIL.)
All in favor?

COUNCIL: Aye.

MAYOR HILL: Opposed?
(NO RESPONSE FROM COUNCIL.)

(VOTE: 4, AYE; 0, NAY; 0, ABSTAINED.)

Motion carried.

The purpose of this special meeting is to adjourn to executive session to discuss economic development, with everybody behind the dais. Mr. Dignan, Mrs. Boyarco and Mr. Walker, we will be holding executive session in this room. Since this is a special meeting, which is on the agenda, there will be no public remarks this evening. So, after a motion and a second and we have roll call, we will be asking everybody to please leave the room so we can hold our executive session. There will be no action taken afterwards other than to adjourn. I'll entertain a motion for that executive session.

MR. REIDER: So moved, Mr. Mayor.

MAYOR HILL: Moved by Mr. Reider. Is there a second?

MR. LIMING: Second.

MAYOR HILL: Second by Mr. Liming.

MR. BOND: What is the motion? I don't think that motion is proper, according to Section 121.22 of the Ohio Revised Code. It says in there—the reason for economic development is the issue; is that correct?

MAYOR HILL: What?

MR. BOND: The reason for the executive session is economic development?

MAYOR HILL: Correct and contract negotiations pertaining to that.

MR. BOND: Okay. It says, "To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply: The information is directly related to a request for economic development assistance that is to be provided or administered under provisions of"—and there's about 10 to 12 sections listed—"of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project. A unanimous quorum of the public

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body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project. If a public body holds an executive session to consider any of the matters listed in divisions (G)(2) to (8) of this section, the motion and vote to hold that executive session shall state which one or more of the approved matters in those divisions are to be considered at the executive session." Now, I'm asking which ones of those are being considered?

MAYOR HILL:

Can I have the list?

MR. BOND:

Sure. Right here—it starts on this page and goes to the next.

MAYOR HILL:

Do you have some responses to which one of those would apply?

SOLICITOR DUTTON:

Well, I am familiar with the applications that are considered for the TJX project and—

MR. BOND:

May I say one thing, Paul? The reason I brought this up is there's people on both sides of this issue. They're all watching us; the whole area is watching. Everybody is hoping to see us make a mistake. I don't want to see us make a mistake here tonight that would be an embarrassment to us.

SOLICITOR DUTTON:

I'm familiar with the project, having attended a number of meetings and conversations with the local, legal counsel for the HomeGoods or TJX project. The project entails not only the proposed zone change, but also certain infrastructure issues; utility issues; tax abatement issues; what's called a PILOT, payment in lieu of taxes, involving the school district. The negotiation of any tax abatements above 75 percent would include the school district. So, all of those issues are pregnant with this particular project. The controversy involved rezoning—

MR. BOND:

That's been removed from the table I have been told, in the newspapers at least.

SOLICITOR DUTTON:

The applications have not been withdrawn—

MR. BOND:

Oh,—

SOLICITOR DUTTON:

—they are still pending—

MR. BOND:

I wasn't aware of that.

SOLICITOR DUTTON:

—as I understand. The meeting was cancelled but the applications themselves haven't been withdrawn. So this meeting, to the extent—and I don't know what's going to be discussed here. I would anticipate that it would involve the totality of the project that involve these other things. So this is appropriate because when an economic development project, an applicant, wishes to negotiate some of these issues, they don't negotiate, you know, in the general public. Now, you cannot take vote here—

MR. BOND:

Right.

SOLICITOR DUTTON:

—and you can't even go around the table and wink and say, yeah, I agree with that, but we're not going to take a vote. This is similar to a work session. This is to listen to this project given these issues. Now, if none of these things are here—in other words, if we're not talking about economic incentives, investments, infrastructure, as well as the whole issue of the location, then we shouldn't go into executive session. But, to give you an illustration, let's assume that one

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of the things they wish to discuss here is alternative sites. Well, you can't be discussing alternative sites in public without driving up the price of the alternative sites. So, it's that kind of confidentiality that the law permits applicants to have here.

MR. BOND: Now, they're not going to be all of those things by any means.

SOLICITOR DUTTON: I don't know.

MR. BOND: You're not making all that part of your motion, are you?

SOLICITOR DUTTON: Well,—

MR. BOND: Things like urban or rural debt retirement funds is not part of the motion, is it?

SOLICITOR DUTTON: No.

MR. BOND: Well it's listed on there as one of the things—

SOLICITOR DUTTON: Well, that's inclusive. In other words, the motion is—I think, for purposes of the record here, the Mayor or someone else needs to articulate the issues that would be pregnant with this proposal. I can take off the ones that I think are obvious. One would be tax abatements. One would be infrastructure improvements where the village might have to incur some expense for infrastructure. One would be negotiations with the school district for any abatements over and above 75 percent. Negotiations with the school district over a PILOT, payment in lieu of taxes, as well as perhaps alternative locations. I mean, all of those issues, I think, are obvious issues that could be here. Some of the other things in here obviously wouldn't be.

MR. BOND: Right. Well, I mean, that needs to be part of the motion according to the statute there. That wasn't the way I heard it addressed.

SOLICITOR DUTTON: Perhaps the Mayor should do that.

MR. BOND: People are watching us.

MAYOR HILL: Okay. Everything which Mr. Dutton just said real estate, location, infrastructure, tax abatements, payments in lieu of taxes, negotiating with the school, everything which Mr. Dutton just repeated, that is the motion—is there—

SOLICITOR DUTTON: That's fair game for the executive session. It doesn't mean that all of that will necessarily be discussed. We don't know what they are going to say but that's what you anticipate.

MAYOR HILL: Correct. Is there a motion to that effect?

MR. REIDER: I will do that, Mayor, just as Mr. Dutton suggested.

MR. LIMING: Second.

MAYOR HILL: Second by Mr. Liming. Comments or questions on the motions?
(NO RESPONSE FROM COUNCIL.)
There will be no action taken other than to adjourn after executive session. Can we have roll call, Mr. Blank?

MR. BLANK: Mr. Bond?

MR. BOND: Yes.

MR. BLANK: Mr. Liming?

MR. LIMING: Yes.

MR. BLANK: Mr. Sheely?

MR. SHEELY: Yes.

MR. BLANK: Mr. Reider?

MR. REIDER: Yes.

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(VOTE: 4, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 4, ayes; 0, nays. We will now go to executive session. We will be holding it in here, so we will be asking the public to please leave the room. Thank you.

(WHEREAS, THE SPECIAL MEETING BEFORE THE VILLAGE OF LORDSTOWN COUNCIL ADJOURNED INTO EXECUTIVE SESSION.)

_____Mayor

_____Clerk

STATE OF OHIO)
)
COUNTY OF TRUMBULL)

I, Sharon K. Vigorito, a Notary Public, within and for the State of Ohio, do certify that the foregoing special meeting before the Lordstown Village Council was written in the presence of witnesses and by me transcribed. I further certify that the foregoing is a true and accurate transcript to the best of my abilities.

Sharon K. Vigorito, Notary Public
My commission Expires May 9, 2022