

The special meeting of the Green Township Board of Trustees held on April 23, 2007 was called to order at 6:00 p.m. for the specific purpose of considering a Joint Economic Development District (JEDD) and Easement Agreements for environmental mitigation projects.

Roll Call: Trustee Mitchell, present; Trustee Winkler, Present; Chairman Upton, present; Fiscal Officer Straus, present.

Chairman Upton stated that there was an agreement that was presented to the City of Cheviot, and that the agreement was regarding a 2% tax on employees at the Legacy Place retail development. The City of Cheviot did sign the JEDD agreement.

Attorney Hyle has not received a written document from the developer, however, the developer has conveyed some of the information contained in the document to Mr. Hyle via telephone. Mr. Hyle stated that the agreement includes a request that the JEDD agreement itself expire on December 31, 2036 with no extensions, and no authority to extend it. The original document contained a 2% tax on employees salaries. The developer wants that to be reduced to 1%. The developer wants it to be clear that it pertains to retail operations only, and would exclude any office personnel. Mr. Hyle stated that Mr. Silverman is still willing to enter into an agreement, just not according to the terms that the Township has provided.

Attorney Hyle stated that the document that was drafted and approved by the City of Cheviot did have a termination date of December 31, 2036, with the right for the contracting parties to mutually extend it for two terms of 10 years each, therefore, possibly extending the expiration until December 31, 2056.

Attorney Hyle stated that he expects to have the actual document from Mr. Silverman in hand tomorrow morning.

Chairman Upton stated that the contract should be reviewed by the Township as well as the Township Attorney.

Attorney Hyle stated that the other reason for the special meeting was to consider their environmental covenant. Attorney Hyle stated that the most significant change that the developer made was to remove the provision that any division or subdivision of the covenant area is prohibited.

Chairman Upton decided that all of the information would be taken under advisement and ruled on at a later date.

Chairman Upton asked if anyone was present to speak on this matter.

Tim Mara, 4085 Reemelin Road, addressed the Board regarding the JEDD. Mr. Mara asked which section of the ORC is being followed to create the JEDD.

Attorney Hyle stated that the Township is using ORC Sections 715.72 through 715.81.

Mr. Mara asked what services, money, or equipment will the Township be providing to the developer of Legacy Place.

Attorney Hyle stated that the Township would be providing police and fire services.

Mr. Mara asked what the length of the JEDD would be.

Attorney Hyle stated that the proposal made with the City of Cheviot was that the JEDD would run through 2036 with the right to extend it for two more terms of 10 years each. The developer has indicated that he is opposed to extension of the contract beyond 2036.

Mr. Mara asked which geographic areas are included in the JEDD.

Attorney Hyle indicated that the contract would include the shopping center and the four out lots, with the possible exclusion of one out lot.

Mr. Mara asked if the proposal will be submitted to the owners for their approval.

Attorney Hyle stated that the Board of Directors of the JEDD has not resolved that issue. It is within the JEDD Board's authority to create a JEDD without voter approval.

Mr. Mitchell stated that he is certain that the voters of Green Township

would like to see the JEDD Board generate approximately \$400,000 to \$500,000 through the JEDD as opposed to raising property taxes.

Mr. Mara asked if the proposed contract gives the Board of Directors of the JEDD the power to levy an income tax within the entire zone.

Attorney Hyle stated yes, subject to the contract that the City of Cheviot and Green Township would make. Yes, the Board of Directors of the JEDD would have to levy the tax once the JEDD is formed and property is transferred over.

Mr. Mara asked what the logic is for excluding the one office out lot.

Attorney Hyle stated that the rationale given from the developer is that office space would be more difficult for him to lease out to business uses if it had an income tax on employees salaries.

Mr. Mara asked if the Board intends to use any of the revenue to be generated for capital improvements as opposed to salaries.

Trustee Mitchell stated that revenue generated would be placed in the General Fund.

Mr. Mara asked if the income tax would be levied on both the income earned by employees working at Legacy Place as well as on the net profit of businesses located within Legacy Place.

Attorney Hyle stated that income tax would only be levied on the income earned by employees working at Legacy Place businesses.

Mr. Mara asked what the rationale was behind only placing income tax on the employees and not the net profits of the businesses at Legacy Place.

Attorney Hyle stated that the Board felt that it was more conducive to the Legacy Place development if taxes were placed just on earnings tax.

Mr. Mara asked if there were any provisions in the contract pertaining to the subject of zoning.

Attorney Hyle stated no.

Mr. Mara stated that he agreed that until the correspondence from the developer is analyzed, it would be best for the Green Township Board of Trustees not to act this evening.

The next regular meeting of the Board of Trustees will be held on April 30, 2007 at 5:30 p.m.

Trustee Mitchell moved to adjourn the meeting. Chairman Upton seconded the motion. Trustee Mitchell: Aye; Trustee Winkler: Aye; Chairman Upton: Aye. Meeting was adjourned 6:20 p.m.