

CITY OF GROVE CITY, OHIO  
MINUTES OF ASSESSMENT EQUALIZATION BOARD

February 26, 2007

Special Meeting

The meeting of Assessment Equalization Board was called to order by Tami Kelly, Clerk of Council, at 6:30 p.m. in the Council Chamber, City Hall, 4035 Broadway.

The Oath of Office was administrated to each Board Member - Mr. John Bednar, Mr. Dale Leach and Mr. Ron Zinn, as well as the Alternate Member, Steve Bennett.

Roll Call was made and the following were present: Mr. Bednar, Mr. Leach and Mr. Zinn.

1. Mr. Bednar made a motion to nominate Mr. Ron Zinn as Chairman, seconded by Mr. Leach.

Bednar	yes
Leach	yes
Zinn	yes

2. Rich Simpson, Attorney for the City, explained that, under Ohio Law, whenever a municipality wants to assess a property for an improvement that benefits their property, notices are sent to them. Property owners may choose to file an objection. If there are any objections, Council must appoint an Assessment Equalization Board. That was done and we have a Board of three, disinterested freeholders of the City. The hearing being conducted now is a public session and all deliberations will take place in an open session. If the Board is unable to complete its work tonight, this hearing will be adjourned to another time. That session will also be an open session and, in the meantime, the Board Members cannot discuss this issue. All deliberations must take place in an open, public session. He explained that the purpose of the hearing tonight is to hear and determine objections of property owners who filed written objections during the proper time period. The Board is to equalize the assessments among the property owners in order to conform to the standards prescribed in the Resolution of Assessment. He explained that Council passed a Resolution declaring a necessity for this project. In that Resolution, Council chooses a method of assessment. He explained that under Ohio Law there are three (3) permitted methods and he explained each one. He noted that many times it is found that a method that allocates the benefits according to a variety of ways is an appropriate way to use a benefit method. He indicated that the City's Consulting Engineer would explain the assessment suggested and chosen for this project. He said the City chose, and the resolution stated that, a benefit method would be used. This is due of the mixture of properties in this case. He then explained the Board's role this evening. He said it is a limited role in the Assessment Process. If the Board decides that some property is treated unfairly by the application of the Benefit Formula chosen by Council, it may reduce the assessment value to that property. If it does reduce an assessment, it must increase someone else's. The function is not to reduce the size of the project. It is to equalize the assessment so the relative cost benefit portion is fair across all parties. The Board has no power to change the design of the project. The sole authority of the Board is to consider the objections and make allowances for particular circumstances so as to avoid unfairness in the application of the assessment formula. The Board must reach its decision in public. The written report can be prepared later. It will be signed by the Board and submitted to Council. Council can either approve or disapprove the report. If the report is disapproved, another Equalization Board must be established. He asked if there were any questions about the process. A question from the floor concerning whether speakers would be sworn in or not. Mr. Simpson said they would not. This is not a formal hearing, following those rules of ethics. If anyone has questions, they are welcome to ask and

welcome to voice any concerns/issues. Another question from the floor about the Board's ability to assess another property that isn't in the original assessment. Mr. Simpson stated that Council has decided what the assessment district outline is. He said the Board is not permitted to go outside the boundaries and add another property to the district. He said after Council receives the report from the Equalization Board and accepts it the next step in the process is for Council to consider legislation Determining to Proceed with the project. He said that would be an appropriate time to address Council about changing the scope of the project. Additional discussion took place over this issue. Mr. Simpson stated that whenever an assessment is considered by a city, it is always a line drawing question. Obviously, everyone driving down S.R.665 is going to benefit. However, the question is not who benefits, but who especially benefits and Council has discretion to decide where that line gets drawn.

Mr. Mike Keller, City's Consulting Engineer, explained that the city is working to widen S.R. 665 from the I-71 Interchange to Hoover Road. He said they have been working together with ODOT for the Interchange/Bridge Improvements. He said this is a five (5) lane widening with sidewalks, bike path, street drains, street lights, and four (4) intersections with traffic lights. He explained that in evaluating the cost of the assessment, it was determined to use the cost to construct just a three (3) land road. The total cost is \$7± million, but only \$2.4 million is being assessed. He indicated that the properties that front the improvement area were assessed. The methodology recommended to Council was a combination of 10% road frontage and 90% traffic count. Mr. Simpson clarified that the entire method is a Benefit method with two factors used to determine the amount. Mr. Keller stated that the Traffic Volume was determined by using the Standard Institute of Transportation Manual. He explained that all but two (2) parcels had a use identified. For the two that did not, they were given the lowest and best use. He also noted that FedEx and the Township property did not have determinations in the Standard Manual, so the City did manual traffic counts for these parcels. He explained that the assessment is payable over 27 years.

Ms. Phyllis Shambaugh, attorney for FedEx, asked about the traffic count and what method was used. Mr. Keller stated that a machine was placed at the site for three (3) days. She asked if there were any adjustments made to the machine count. Mr. Keller said he wasn't aware of any.

Mr. David Watkins, attorney for Strader's and Mouth of Wilson, objected to the fact that speakers were not sworn in and that the whole event was not recorded by a court stenographer. He asked for an explanation on the traffic count for the parcels his client owns. Mr. Keller stated that it was based on the land use. Mr. Watkins argues that actual counts would be better.

Mr. Brian Basil, attorney for Ironwood Properties, asked about the 27 year assessment and if there would be any interest applied. Mr. Simpson stated that there would be interest, at the same rate on the Bonds sold by the City. At today's rate, that would be 4 – 5%. The assessment is put on the Tax Duplicate and spread out over 27 annual payments.

Mr. Steve Bennett, alternate Board Member, asked if the traffic counts would change based on the number of lanes. Mr. Keller said no. It is based on the land use. Mr. Bennett asked if this project would increase the property value. Mr. Keller stated that the property value wasn't included in the determination. Mr. Bennett asked if the assessment values would be reevaluated if additional State, County, Township, City funding was awarded to this project. Mr. Keller said no. They already have a Grant from the Ohio Public Works Commission.

3. The Committee recognized those who signed up to speak.

Ms. Phyllis Shambaugh, attorney representing Fed Ex, passed out an exhibit for the Board. She explained that Fed Ex has two (2) parcels and their objections relate to both. She stated that the Resolution uses two methods of assessment and Fed Ex feels it improperly intermingles them. Even if

the City and the resolution determined the benefits properly, they still feel the special assessment violates Statute because of the calculation. She stated that the count by the City exceeds their recent traffic study by 4,500 vehicles per day. The Fed Ex study was done by two methods: a person counting for 24 hours and using two (2) machines for a count, at the peak shipping season. They adjusted the machines due to multi-axle vehicles, as they register as more than one vehicle. She believes that the City count did not adjust for this in their count. She said Fed Ex requests that the count be adjusted to reflect the count in their study to 3,600 vehicles per day.

Mr. Keller commented that the City did conduct a machine count for Fed Ex. He will need to check with the Dir. of Service to see if an adjustment was made for multi-axle vehicles. Chair Zinn asked how adjusting the vehicle count would change the assessment. Mr. Keller said if the count is reduced it would lower the assessment to Fed Ex and the difference in that amount would need to be reapportioned to the other property owners.

Ms. Linda Hamilton, resident, stated that she did not file an objection because she received the notification after the deadline to do so. She stated that she doesn't feel this is an improvement. There is too much light in the area now and trees that are 25 years old will be removed. They have many problems getting in and out of their driveway. Constructing five (5) lanes at 50 mph is a problem. She said they are currently trying to sell their home, but there is not much interest.

Ms. Beverly Trapp, resident, stated that she doesn't feel that they are not getting any benefits whatsoever. They have been subjected to the industrial development with semi-trucks, dirt, dust, fuel fumes, theft, shootings, fights in the parking lots, lights that are on all night, trash, trespassing, etc. She said that this Resolution will only cause the traffic to be closer to their front door adding more concerns for their safety. Overall, their #1 objection is the noise. They will also lose a tree that is big enough to shade their yard. While they understand that growth is necessary, however, as a family residence they are not truly benefiting from this project. Their home has been for sale since the warehouses were built behind them. Because of all the additional development, buyers have not been interested. She requested that the Assessment be waived, as a residential property. When their property does become commercial, the assessment would be applied at that time.

Mr. Don Trapp, resident, commented that adding a sidewalk to a road with a 50 mph speed limit is very unsafe. He asked if the property owners along Hoover Road had to pay an assessment for the widening and sidewalks there.

Mr. Keller pointed out that the speed limit will be 35 mph.

Mr. Brian Basil, attorney for Ironwood Properties, asked about the Manual used. He asked what was used to determine the count. Mr. Keller said square footage. Mr. Basil stated that this is a vacant parcel and undeveloped. He provided the Board with a pictorial chart that showed other properties/businesses that access the roadway, but don't have frontage, and would benefit from its improvement. He believes these properties should be included in the assessment. In addition, his client's parcel was designated with the highest and best use of "fast food". He explained that the parcel has to immediate problems – access and parcel size. They don't believe that 1,700 trips per day are feasible.

Mr. Robert Boyd, attorney for R.S. Limited, stated that the Resolution states that the improvements run from North Meadows Drive to Hoover Road. His client's property is west of North Meadows Drive and they are a bit puzzled why they are included. He said they understand that the face the intersection, but the properties east of Hoover are not being assessed and doesn't believe this is equal. He also voiced concern over the fact that they didn't get notified when the decision was being made over who would be assessed. The other issue is the trips per day. He said they nowhere near the number of trips being assessed and don't believe they will ever get to that amount. Currently, they serve 400 customers,

perhaps 300 cars per day. He pointed out that Property #15, which is also a fast food restaurant, only shows 1,400 tpd. He stated that this is not equal. *Mr. Keller* noted that it is also based on square footage of the building. *Mr. Boyd* commented that there are many other businesses in the mix that will benefit, but are not being assessed. They believe the calculations to be unequal.

*Mr. David Watkins*, attorney for *Strader's & Mouth of Wilson*, objected to the fact that this is not a full evidentiary hearing with evidence being given, speakers sworn in and cross-examination being allowed. Based on the agricultural nature of these parcels, they believe the City has overstated the value of the improvement to each property and the assessment for each property. He said they do not have an objection to the method of the assessment, but they do object to the way the assessment percentage was applied to their properties. He said *Mrs. Strader* has done her own calculations at the peak months and the lowest months. They estimate that the average customer's per day is 87. He believes that actual counts are better than an estimated count. He stated that the *Mouth of Wilson* parcel is agricultural and has a letter from a farmer who intends to farm the ground this year. He said they do not have an argument with the property being looked upon as the highest and best use in the future. The numbers provided by the Engineer seem reasonable. However, they think it is in error of the city to not take into consideration the present use. They believe the assessment for this parcel should be significantly less than the \$146,000.00 shown now. He read a portion of a court case against the City of Springfield regarding the need to consider the current use.

4. Chair Zinn asked *Mr. Simpson* to reiterate the Boards task to equalize the overall amounts.

*Mr. Simpson* stated that he appreciates everyone's comments this evening. He said the City and Council are very aware that no one likes to pay assessments. Council and Staff tried very hard to fairly allocate a portion of the total cost of this project. The law would allow the city to assess a much greater share of the project costs than the 38% shown. There was a great deal of thought given to what would be the fairest way to allocate the \$2.4 million portion of the project, taking into account all the different factors in the area (some is undeveloped; some is residential, but will change in the future to commercial, etc.). It was determined by Council that this was a fair way to allocate the assessments.

*Mr. Bednar* commented thanked everyone for their concerns. He said the Boards recommendations will be forwarded to Council and they can voice their concerns to Council at that time.

Chair Zinn stated that it is not in their power to change the method. The total amount of the assessment still needs to be assessed over the same number of property owners.

*Mr. Leach* said he appreciates the comments provided tonight, but doesn't believe that anyone showed special circumstances that they were unequally assessed.

4. *Mr. Leach* made the motion that the assessments be done as *EMH&T, Inc.* recommended using *Nationally Averages*; seconded by *Mr. Bednar*.

Bednar	Yes
Leach	Yes
Zinn	Yes

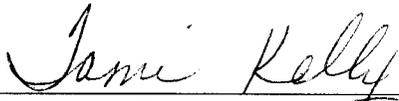
5. *Mr. Leach* moved to overrule the objections to the Assessments; seconded by *Mr. Bednar*.

Chair Zinn stated that he appreciated the comments, but felt the objections were not about the dollar amount or calculations rather they were more about the benefit to the property, or noise, or speed, or items outside of their jurisdiction.

There being no further comments, the vote was called.

Mr. Zinn	Yes
Mr. Bednar	Yes
Mr. Leach	Yes

6. Chair Zinn adjourned the meeting by unanimous consent at 7:55 p.m.

  
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Tami K. Kelly, MMC  
Clerk of Council