

**Joint Public Meeting of Madison County Commissioners and Village Council of Plain City to Present a Preliminary Study of Reasons for the Proposed Establishment of the Mid-Ohio Water and Sewer District, and to Receive Comments**

**October 3, 2022 @ 6:00 p.m.  
Plain City Village Hall**

**MINUTES**

1. Welcome, Introductions and Opening Remarks
2. Call to Order 6:00pm and Pledge of Allegiance
  - 2.1. Roll Call Attendance of the County Commissioners of Madison County  
Rob Slane, Mark Forrest, Chris Wallace
  - 2.2. Roll Call Attendance of the Village Council of the Village of Plain City  
Ms. Carney, Mr. Terry, Mr. Reed, Ms. Ferguson, Mr. Sintz,  
Mr. Rucker (arrived at 6:33pm) Mr. Eudaily (arrived at 7:09pm)
3. Purpose of Meeting – John B. Albers, Albers and Albers, Attorney at Law (see attachment)
  - ◆ Statement of Purpose
    - ◆ What the Village and County want to do and why they want to do it
    - ◆ Introduction of the Preliminary Study of Reasons for the Proposed Establishment of the Mid-Ohio Water and Sewer District
    - ◆ Introduction of the District Boundary Map
4. Background Information and Benefits of a Regional District
5. Comments from the General Public

- Don Gregory formation of district is step in right direction. Protect the Darby and allow the growth that serves the best interest of the Village and County.
- Mr. Terry opened floor for council and commissioners to discuss. Does this also establish the agreement between village and 6119 or the commissioners and the 6119? Mr. Albers no, it has to be filed and go thru establishment procedure. Transfer agreement negotiation on value and terms between us and the board? Mr. Albers, correct. Mr. Terry still has concerns about how the protection of the village residents, and still have the opportunity with the creation of the 6119. Mr. Albers discussions of corridors of growth can be part of the transfer agreements. Mr. Terry our intent is to transfer our services, assets, people, and our debt, what to understand that it is part of the petition. Mr. Albers yes, it is. Mr. Reed asked where that was. Mr. Terry it's called out in the letter of understanding. Mr. Albers, yes. Mr. Reed once court approves it, then it's in the court's hands, then any changes must go through the courts? Mr. Albers, the petition can only be modified by going back to court. The plan of operations, the facilities transfer, etc., will be in the plan. Mr. Terry, it's difficult to create a body without having the authority to create a body. The spirit is we are creating in good faith. Mr. Reed doesn't want the village to lose control, wants to have influence on what we end up in terms of the plan for setting up the district, the infrastructure, and the financial operations of the district, which we will not have. Mr. Albers, you will have complete control of everything until final transfer of letter of agreement. The

gentlemen with Mr. Albers, we made the agreement aspirational and not binding. You are telling the court you are making a good faith attempt to form the district. Mr. Terry, I think what Mr. Reed is expressing is, what is our method to interact and operate in good faith, what is the mechanism where we operate with this board, I think Mr. Reed wants some sort of assurances that this will be a continued dialogue up and thru the transfer. Mr. Albers, the regional district follows the Ohio laws and it is a political district and the village will put 2 members on the board.

- Mr. Terry asked about the boundaries, how are they expanded. Mr. Albers, included all of the incorporated area of the village and included selected parcels around route 42 that we would like to have services from the district. Mr. Reed asked if school districts have been in discussions with them? Mr. Albers said they have not. The regional district will set rates and connection fees.
- Mr. Terry asked about timeline if approved to move forward today, what time anticipate transfer agreement and move towards an operating 6119? Mr. Albers many things could derail this. Our expectation, according to the current timeline, is to be in court in December. Once there is a district board in place, the process can begin. Mr. Reed asked about taxing. Mr. Albers only a voted tax. Mr. Terry, we know this is best for the Village, for the protection of the Darby, the goal of this body is protecting those interests, and being cautious of our decision-making. Mr. Forrest, if you grow, we grow. You will

find us very open in this negotiation to retain all of that. Mr. Terry, there is a reason we are working with Madison County. Mr. Reed, said the 6119 district grants to this water district power of domain, they can take property if they can justify taking it. Mr. Albers they can only take property by necessity and they have to prove the necessity; secondly the entities appointing board members have an overriding authority to veto eminent domain actions. Mr. Reed, I'm not sure of the political nature of the board? Mr. Albers said they are appointed by the county and village but they are independent political subdivision trustees to that board, not to the Village or County. Mr. Reed was thinking that once you have a board of trustees the village has no input to what happens in the district. Mr. Albers, you don't have much, you have that authority and you have removal of board member authority under certain circumstances. Mr. Reed asked about the ordinance 6119 also gives the district the power to write bylaws; the bylaws can't expand the law, but they can restrict the district from doing things that would otherwise be allowed by law. They could, in their bylaws deny the right of eminent domain. Mr. Albers, they have to operate in accordance of Ohio law with eminent domain; Ohio law allows districts to engage in eminent domain where necessary, we can't put anything in our bylaws that would be in contravention of the law, of the petition, or of the transfer agreements. Mr. Reed wants to know what the Village residents are going to be charged for utilities. Wants to know revenues, expenses, fees to customers. In all

likelihood the water bills will go up. Mr. Terry, we are attempting to establish the board that will do that work. We've come as far as we can without the create this entity to do the work necessary build the finances, build the plans, build the SOPS. They can't do the math, the development of this until it's established, to provide a plan. Mr. Albers, this is a typical structure to establish the district.

6. Roll Call Vote of Madison County Commissioners on a Resolution Approving a Petition and Authorizing its Filing in the Courts of Common Pleas of Madison and Union Counties to Establish the Mid-Ohio Water and Sewer District

Mr. Forrest would like to move forward with the roll call vote. Seconded Mr. Slane and Mr. Wallace  
All in favor .

6:55pm Mr. Terry motioned for a 10-minute recess; Mr. Rucker seconded. All in favor.

Mr. Eudaily joined the meeting at 7:09pm

Mr. Terry motion to end the recess. Mr. Rucker seconded. All in favor.

Mr. Terry motioned to form the petition. Mr. Rucker seconded. All in favor.  
Mr. Terry motioned to approve the ordinance by emergency. Mr. Rucker seconded. 5 in favor.

7. Roll Call Vote of the Village Council of the Village of Plain City on an Ordinance Approving a Petition and Authorizing its Filing in the Courts of Common Pleas of Madison and Union Counties to Establish the Mid-Ohio Water and Sewer District

8. Adjourn

9. Mr. Forrest moved to adjourn. Mr. Wallace seconded. All in favor.

10. Mr. Terry motioned to adjourn. Mr. Rucker seconded. All in favor. Meeting adjourns

7:12pm