



**COALITION of LARGE OHIO URBAN TOWNSHIPS**  
**Executive Committee Meeting**  
**Monday, June 29, 2020**

**10:30 a.m.**

**MINUTES**

- I. Welcome - Chair Matacic called the meeting to order at 10:40 a.m. The following members were in attendance in-person: Edward Drobina (Central), Christine Matacic (Southwest), Andy Rose (East), Karl Schultz (Southwest), and Michael Vaccaro (East). The following members were in attendance virtually: Gary Boyle (Northwest), Thomas Costello (East), Jeff Ferrell (Northwest), Jamie Fisher (Central), Jeffrey Markley (East), Rob Peters (Central), Cheryl Sieve (Southwest), Barry Tiffany (Southwest), Oliver Turner (Northwest), and Paul Wise (Central). A quorum was present. OTA staff members present included Heidi M. Fought and Marisa Myers.
- II. Procedural
  - A. Election of Officers – **Schultz moved, seconded by Vaccaro, to retain Christine Matacic as Chair and Barry Tiffany as Vice Chair of the CLOUT Executive Committee. Without objection, motion carried.**
  - B. Approval of Minutes – **Vaccaro moved, seconded by Schultz, to approve the minutes of the July 10, 2019, October 21, 2019, and February 6, 2020 Executive Committee meetings. Without objection, motion carried.**
  - C. Membership Update – Chair Matacic reported that there are 54 CLOUT members as of the meeting. She also indicated that she would reach out to townships that had not yet renewed their membership from last year.
  - D. Review of CLOUT Financials – Chair Matacic reported on the current financials of the Committee. As of June 29<sup>th</sup>, the CLOUT fund had a balance of \$123,103.36.
  - E. Future Executive Committee Meetings – The CLOUT Executive Committee cancelled its April meeting due to the COVID-19 pandemic. The Committee opted not to reschedule the meeting at this time and move forward with the rest of the scheduled meetings this year.
- III. Legislative
  - A. Review of Legislation Pending 133<sup>rd</sup> General Assembly – Myers provided the Committee with a legislative status sheet of bills pending before the General Assembly that have or may have an impact on townships. Specifically, she reviewed the following bills: HB 163 (Fair Water Pricing), HB 242 (Auxiliary Containers), HB 308 (PTSD Coverage), HB 330 (Firefighter Cancer), HB 444 (Township Omnibus Bill), HB 539 (Township Police), and HB 606 (Immunity).
  - B. CLOUT Priorities – Myers reviewed the 133<sup>rd</sup> CLOUT Legislative Priorities and highlighted provisions active in pending legislation. She reminded the Committee to submit suggestions for the 134<sup>th</sup> General Assembly CLOUT Legislative Priorities that will be discussed at the October Executive Committee meeting. Tiffany requested that his previously discussed proposal to permit a township to place a levy on the ballot to support the funding of school safety measures be included in the priorities. **Schultz moved, seconded by Rose, to include Tiffany’s proposal in the CLOUT Priorities. Without objection, motion carried.**
  - C. COVID-19/CARES Act – Myers gave an updated on two additional pieces of legislation: HB 481 (CARES Act Distribution) and SB 4 (COVID-19 Related Updates). She reported

that both bills had provisions related to the pandemic and had passed just before the Legislature went on summer recess.

- D. Capital Budget – Myers updated the Committee on the capital budget, which typically occurs in even numbered years. She reported that, due to the pandemic, the General Assembly likely would not be doing a full capital budget and new community projects would not be funded this year.

#### IV. Legal

- A. Amicus Briefs – Fought gave an update on three cases: *Columbus Bituminous Concrete Corporation et al., Appellants, V. Harrison Township Board of Zoning Appeals et al, Litchfield Township Board of Trustees v. Forever Blueberry Barn, LLC, and the State Ex Rel. the City Of Xenia v. Greene County Board of Commissioners et al.* In *Columbus Bituminous Concrete Corporation V. Harrison Township*, the Court decided against the OTA’s amicus position, holding that Harrison Township “cannot deny a gravel mining permit on grounds that the use does not conform with the general rules set out for uncommon land uses in the area. But violations of a condition in the permit related to public health or safety can lead to the permit’s revocation.” In *Litchfield Township v. Forever Blueberry Barn*, the Supreme Court of Ohio held that a “township may not prohibit the use of building for the vinting and selling of wine on property as long as the property also cultivates grapes for wine making.” The Supreme Court emphasized in the *Litchfield* case that “primary” use does not mean “majority” use and, therefore, the common pleas court properly applied the “primary-use test.” The Supreme Court did not weigh the facts itself but held that it was possible for the lower courts to determine from the facts that the structure was used primarily for the winemaking and -selling process. In *City of Xenia v. Greene County Board of Commissioners*, the county asserted that because R.C. §709.023(E)(1) incorporates R.C. §709.021, a type-2 annexation petition must conform to *Middletown v. McGee’s* contiguity principles. The city believes that the sole contiguity requirement in a Type-2 setting lies in R.C. §709.023(E)(4), which requires that the territory proposed for annexation have a boundary contiguous with the municipal corporation of “at least five per cent” of the territory’s perimeter. On June 26, the Supreme Court opined that *McGee* does not apply to a Type-2 annexation.
- B. Opioid Settlement – Myers gave an update on the proposed “One Ohio” opioid settlement and noted that discussions were still ongoing. There has been no change as of the date of the meeting.

#### V. Informational

- A. CLOUT Event Conference Feedback – Maticic requested feedback on the 2020 Winter Conference and opened discussion for the 2021 conference. The Committee agreed that the extra room for the CLOUT Annual Meeting and workshop was worth the additional expense. The Committee discussed the possibility of a virtual conference next year and implications for CLOUT-sponsored breaks and the CLOUT Legislative Reception. Fought noted that discussions on the conference are ongoing due to the pandemic.
- B. Discussion on COVID-19 Impacts – Sieve brought up the need for clear guidelines on CARES Act funding. Fought noted that auditors will also have to follow what’s allowable under federal law. Maticic noted a new classification for employees to be able to rehire retirees if needed during the pandemic.

#### VI. Items for the Good of the Coalition

- A. Boyle raised the possibility of amending the law to allow townships to use TIFs under ORC 5709.41 (currently only municipalities can just this type of TIF for urban development). Boyle will submit a proposal to staff in writing.

VII. Adjournment – Moved by Vaccaro, seconded by Peters, the Committee meeting adjourned at 12:19 p.m.