

Special Public Hearing  
April 12, 2007

Present: Trustees King and Sargent, Fiscal Officer Kennedy  
Absent: Trustee Havens (out of town because of death in family)  
Guests: Charles Taylor, Jr. 1888 James Rd  
Norma & Jim Eggenschwiler, 2307 James Rd  
Jerry Jones, 258 Carmarthen Way  
Grace Gordon, 2100 Lancaster Rd  
Laura Mickelson, 112 Sunset Dr  
Greg Dixon, 128 Sunset Dr  
Don Holycross, 141 E. Broadway  
Craig McDonald, 211 Sunrise ST  
Mickey Smith, 177 Louise Dr  
Melissa Hartfield, 220 S. Pearl St  
Andy Crawford, 31 Brecon Cir  
Steve Mershon, 405 E. College St  
Ken & Carol Apacki, 352 Llanberis Dr  
Jackie O'Keefe, Box 63, Granville  
Richard Russell, 298 Bridle Path Ln  
John Thornborough, 13 Donald Ross Dr  
Bill Wernet, 134 S. Mulberry St  
Dan VanNess, 3923 Morse Rd  
T. David Price, 3143 Burg ST  
Bob Schnaadt, 2523 Burg St.  
Thalia Oster, 4049 Goose Ln  
Charles Peterson, Granville Sentinel  
Candi Moore, 405 E. College St  
Don Wiper, 4670 Granview Rd  
Steve Schneider, 109 Longford Dr

Trustee Sargent welcomed everyone to the public hearing. He indicated that the township trustees are seeking public input regarding the future direction of the township's Open Space/Green Space program. He asked Fiscal Officer Kennedy to provide background information regarding the levies and program to date as well as to act as moderator for the evening.

The following is a copy of the outline used by F.O. Kennedy for his presentation:

My name is Norman Kennedy. I've been a resident of Granville Township for 34 years. I'm a CPA and have been the Granville Township Fiscal Officer for 24 years.

Open space acquisition began in Granville Township before it became popular.

Granville Township had an insurance/lawsuit settlement that was received in 1989 from the destruction of the Opera House in 1982. The Trustees established a committee of

community members to make recommendations as to how the \$500,000 fund should be expended. The committee issued a report in July 1990 with 4 recommendations:

- a) build a new township garage
- b) Purchase recreational land and areas of natural beauty/preservation of green space.
- c) Advance the Old Colony Burying Ground restoration project.
- d) The Committee further recommends that in the near future the Township seek the approval of Village and Township voters of a levy which will provide additional funds for the purchase of land for parks (for both active and passive recreation purposes) and for the preservation of some open spaces and attractive natural features.

The Trustees became aware of a 52 acre parcel of property on SR16 east and south of Sunset Drive that the owner was going to sell for development. A plan had been advanced to annex the property to the Village to obtain village water and sewer services to be able to have more housing density. The Trustees acquired this property in 1991 for \$150,000 and established a non-developed park which is heavily wooded and enjoyed by many residents for passive recreation.

In 1993 the Trustees became aware of a property in the flood plain along Raccoon Creek that was coming up for sale. Recognizing the need for active recreation field facilities the Trustees bought 47.6 acres for \$106,000. A \$100,000 grant was obtained from the State and along with roughly \$200,000 of General Fund money Raccoon Valley Park was developed with baseball and soccer fields.

In 1997 the Marc Pohm family approached the township about their plans to sell 23.5 acres that they owned south of SR16 near Tow Path. The Pohm's indicated they would sell the property for what they had paid for the property several years earlier. The Trustees examined a map and determined that development in the City of Newark to the east of this property could eventually result in the request to build a road out of the subdivision into River Rd (of course this was before ODOT decided to close the River Road median and long before the limited access roadway was thought of). The Trustees acquired this property for \$52,000.

All of this time the Trustees had been considering the earlier recommendation of the Opera House Committee to place a levy on the ballot to raise money to buy open space. The Licking Land Trust (formerly the Granville Land Trust) had been successful in acquiring some properties but they had no money, no source of money, and there are only so many benevolent people in the community who would donate their land or development rights for their land. NOTE *The Village of Granville is located in Granville Township and therefore a tax levied by the township is collected on all of the taxable value in the Granville Community. If the Village were to place a levy on the ballot it would be levied only on property in the Village.*

Prior to this time the school district had been having difficulty in passing levies. This started in the late 1980's and continued into the 1990's. The Trustees had not wanted to

be in competition with the School District and therefore didn't place any Open Space levies on the ballot.

1997 seemed like the appropriate time to pursue a levy for Open Space. Land was going up in cost and the Opera House Fund and "extra" General Fund money were not growing in amount. The Township is a creature of the legislature and can only do what the state legislators allow it to do. Tax levies can only be put on the ballot for specific legislative approved purposes:

Section 570519(HH) is a part of the Ohio Revised Code with stated purposes for levies:

It says "...for the purpose of acquiring, other than by appropriation [read - eminent domain], an ownership interest in land, water or wetlands, or to restore or maintain land, water or wetlands in which the board has an ownership interest, not for purpose of recreation [Note – the County Prosecutor has advised the Trustees that the term recreation is implied to be active recreation, ball fields, bleachers, flood lights, paved surfaces etc. He stated that people could walk on Open Space Properties] but for purposes of protecting and preserving the natural, scenic, open or wooded condition of the land, water or wetlands against modification or encroachment resulting from occupation, development or other use..."

The first open space levy was voted on in November 1997. The voters overwhelmingly approved a 1.0 mill levy which started to collect in 1998. The Trustee established a committee of township and village residents to make recommendations to the Trustees for purchases.

The specific recommendations have been guarded because the sale of a property must be voluntary by the owner. If you remember the law says property cannot be appropriated if it's purchased with Open Space money. If the public became aware of a recommended property it would very easily go up in value. Reading about it in the newspaper an owner may be opposed to selling the property, when if approached properly, they might consider selling.

There have been several Open Space Committees over the year because in 2000 the Trustees were approached by a group of citizens who asked that a second Open Space levy be placed on the ballot. The Trustee heeded this request to obtain additional funds placing a 2.5 mill levy on the November ballot. This issue was also overwhelmingly approved.

The 1.0 mill was replaced in 2002 and in 2006 for 2007. The 2.5 mill was replaced in 2005.

The reports from the Open Space Committees gave the Trustees five guidelines to follow in the acquisition of property and development rights (the County Prosecutor had indicated that development rights to limit density may also be acquired with Open Space Funds).

- a. Preserve areas of scenic beauty/natural beauty as well as areas of historical or unusual geological significance that may be subject to development.
- b. Preserve the integrity of the Comprehensive Plan
- c. Protect agricultural lands
- d. Preserve Granville lands in danger of being annexed to other communities and or high density development in order to protect the GEVDS from rapid enrollment growth
- e. Protect edges and boundaries: Village entrances, buffers, open vistas and view sheds.

The Trustees have attempted to follow these guidelines, along with the specific property recommendations. Recognize that property the you are attempting to purchase is subject to the conditions of the seller. In some cases the sellers did not want cash - they were willing to accept township debt and thus also receive tax exempt interest. The Trustees have attempted to negotiate the best purchase terms possible, while at the same time acquiring the property.

If a property is purchased for debt the cost of the property becomes fixed and the funds being received from the tax levies earn interest for the township when the funds are set aside to pay the debt.

The question arises about acquired properties being taken off the tax rolls. It is true that the township, as a political subdivision can request after one year of ownership that a property be removed from the tax rolls. However, if you are deriving significant income from a property it cannot be exempted. Where possible the Trustees have attempted to continue farming activities by leasing properties to farmers. In those cases the community is receiving the same amount of taxes they would have received if the property was still held by a private owner.

The other item that must be looked at is the overall impact on the community. Residential development usually has negative tax impact. Some of you are aware that I was Treasurer of the school district from 1993 thru 1999. I learned a lot about school finance during that time and most of it was not pretty. The combination of taxes from a residence and 26% of the state subsidy from the Dept of Education in Columbus [the amount received by Granville Schools] typically does not pay for the cost to educate the children living in the home. If you have open class spaces they increase the operating expenses for everyone. The very costly component is when you run out of classroom space and you need to build new school buildings.

The Trustees have been acquiring property and development rights. Open Space funds have been able to make certain things happen for the benefit of the community. For example:

1. Longaberger's proposed sale of the Bryn Du Mansion. The township worked with the Village by acquiring the front 16.1 acres representing one-half of the front field for \$430,000 to enable the Village to buy the remainder of the property.
2. When the Licking Land Trust was able to put together the possible purchase of the former Spring Valley Pool property from the Roberts family with a combination of \$500,000 of state grant and \$250,000 of private donations the township was able to supply \$250,000 of Open Space funds for 13 acres of the 43 acre property to make the transaction happen. Without those levy funds there would not have been sufficient money.

What does the future hold?

1. Comprehensive plan survey – 76% of the respondents said to keep the Open Space levies and land/development right acquisition program.
2. The City of Newark has been blocked in the south east quadrant by the recent 514 acre annexation to the Village of Granville.
3. What about the Northeast quadrant. – possible development along Sharon Valley Rd, Price Rd
4. What about the Northwest quadrant and development in Alexandria/St. Albans Township. The Village of Alexandria is building its own water and sewer plant which will need users to amortize its cost.
5. What about development along SR16 and in the southern part of the SW quadrant along silver St, SR16, Granview.
6. Does the community want us to continue to attempt to buy farmland or farmland development rights? There is a lot of acreage in the NW quadrant. Several years ago the Trustees attempted to use the state's Agricultural Easement program and were turned down. [Displayed the 1.5" thick grant application binder for the audience].
7. Does the community want infilling of small parcels? Actions to preserve scenic vistas and community entranceways.

Open for comments from the floor.

The following are paraphrased comments made during the remainder of the public hearing:

1. Carol Apacki - What are the chances of the village and township merging?  
Answer: The big problem with merging is that the village can't control the extension of its water and sewer when it has excess capacity available. AT the present time the Village is only utilizing about 50% of either its water or sewer capacity. If a developer wants water and sewer and is willing to pay for it, the village has to provide it. Wes Sargent met with Jerry Griffith and Dan Bellman over a period of time to investigate this possibility. They never found a way to control water and sewer. Don Holycross, village manager, agreed with this statement.

2. Ken Apacki - I have a problem with the township buying land to stop development.

Answer: I suppose there is a point where we will have bought enough land or we will run out of money. It's going to be a good many years into the future though. One thing that may be a better option is to buy development rights.

3. Dave Price - When purchasing development rights, is there a maximum number of additional houses the township could allow or violate the spirit of the law?

Answer: There probably is, but you also have to listen to the owner and see what they want in order to make a deal.

4. Ken Apacki - Why not buy land, take away the development rights, and sell them in big chunks in order to get our money back.

Answer: The value of developable land is much greater than land with no development rights on it. Therefore, we'd be buying high and selling low.

5. Don Wiper - It is very important that the Open Space Program continues. We have about the only program of this type in the state and without it, we couldn't have been able to acquire the Spring Valley Property.

Answer: We got very lucky on Spring Valley. The Land Conservancy got a grant for \$500,000 and raised contributions of \$250,000, so it only cost our community \$250,000 to buy SVP. But it is true without the Open Space funds the township share would not have been available.

6. Jim Eggenschwiler - The James Road annexation couldn't have happened without the Open Space Program. I think the program should continue as it is today.

7. Jerry Jones - Does the township have a plan on land to buy and at what price?

Answer: Keep in mind that all land is not for sale and we cannot use eminent domain to acquire property with Open Space levy money. With that in mind, the Comprehensive Plan gives some ideas on land to purchase and what purchases make sense. Also, our Open Space Committee reviews the entire map in the village and township, and makes recommendations to the trustees as to what land to try buy.

8. Candi Moore - I was on the Open Space Committee. We received input from the community as a result of holding public hearings and advice on the criteria we should use in land purchases. That information was then forwarded to the trustees.

9. Dan VanNess - Can land be purchased for open space and then traded for other open space land as our criteria changes as why we buy land? If we bought land for one reason that no longer applies now, it might make sense sell in the future.

Answer: That question has never been brought up but it could be an idea that should be explored.

10. Charles Taylor - I can see no reason to change the program, but what is our objective with the property we buy? I would like to see more parking and paths.

Answer: Once the land is purchased, we like to keep farming it or continue using it as it was at the time of purchase. We have to be careful to not develop the property such as by creating permanent parking. Also, our recently established Land Management Committee is now looking into how we use the land the township owns.

11. Ken Apacki - As development increases, we need people to donate easements along the riparian corridor to insure our water supply.

Answer: We have acquired property along Raccoon Creek such as the Watts, Wood and Pohm properties as well as Raccoon Valley Park. We also received the Schwarzkopf property as a donation. Where possible we have already granted a 150' conservation easement from the middle of the creek on these properties to the Licking Land Trust. In addition to these easements we hoped that it would encourage other property owners to grant similar easements to protect the riparian corridor.

12. Grace Gordon - Have we thought about a Parks District?

Answer: The Open Space money, as mentioned before, is not to be used for property to be developed. Passive recreation only. A Parks District is another level of government and it would need to put on its own levies for funding. Plus a locally formed Parks District would be in competition with the County Parks District.

13. Craig MacDonald - I am excited to be on the Land Use Management Committee to look for ways to improve township land and increase uses for it when possible.

14. Dan VanNess - Isn't the front lawn of the Bryn Du Mansion open space, but sports are played there?

Answer: The township used \$430,000 of Open Space levy money to acquire the 16.1 acres of the front lawn along Jones Rd. The Village of Granville acquired the other 16.1 acres of front lawn with its own money. The Village manages the entire property including the township's property. We would cringe to see bleachers, floodlights or other kinds of permanent equipment on our portion of the property. You have mixed reactions though isn't it nice to see polo being played on the front lawn the way it used to be. We have kept it a field. The Columbus Polo Club pays a substantial amount toward the annual cost of mowing the lawn. Without that funding it would cost additional tax money to maintain.

15. Mickey Smith - Is there any property the trustees are looking at now?

Answer: Yes, we are talking to a property owner about buying development rights over farmland.

16. Rob Schaadt - What is the value of the property we own now? Also, I think you get a lot more for our money when we buy development rights.

Answer: I don't have that figure with me. Obviously, as the price of land has increased in Granville, our purchases have fixed that cost for the community. The County Prosecutor told us earlier on in this process that development rights could be acquired with Open Space money as well as fee simple title to a property. You are correct that it costs less to acquire development rights, which limit the amount of future density

that can take place on the property, than to purchase the property. We were able to acquire the development rights on the various White brother properties along the west side of Loudon St several years ago. We had an appraisal done of the property both with its present agricultural uses and its value if it was developed. We were then able to negotiate with the White's for a mutually agreeable value of the development rights for the property. In this particular instance the White's wanted to retain the right to build three or four additional houses for their children on the 180 acres covered by the conservation easement. The retention of this right reduced the amount that we had to pay for the conservation easement to significantly reduce future density development of this property.

When solicited by Trustee Sargent the over whelming majority of those in attendance said they favored the continuation of the Open Space acquisition program and wherever possible the use of acquiring development rights.

17. Dave Price - Buying development rights are a form of deed restrictions. He said the he was concerned about the ability of property owners to negotiate "some" future development on the property. He thinks the law pertaining to Open Space levy proceeds indicates they are to be used to acquire Open Space. Not mostly open space with some limited development. He wanted to know how much future development was too much.

Answer: That is an issue to address. Open space is open space, but as explained with the White Conservation Easement, it cost the community less to permit up to three or four future residences on 180 acres than to not permit any development. Also, as mentioned earlier the purchase of property or development rights must be negotiated with the seller. In this instance because of future family use concerns the White's might not have entered into this agreement without the township permitting the possibility of very limited future development.

18. Andy Crawford - The Open Space Program is well supported and well thought of in our community. It should be continued.

19. Bill Wernet - I know of no one who doesn't support the Open Space Program.

20. Mayor Melissa Hartfield - The Open Space Program is great and should be continued.

Trustee Sargent summarized the public input received tonight as overwhelmingly being in favor of continuing the Open Space acquisition program to limit future development. Additional emphasis should be placed on acquisition of Development Rights in lieu of property purchases. He thanked everyone for taking the trouble to come out this evening and adjourned the meeting.