



VILLAGE OF EVENDALE, OHIO
10500 Reading Road
Finance, Recreation, Service and GHF Minutes
October 6, 2020
4:30 pm, Council Chambers, Municipal Building

Attendance: Council Members Jeff Albrinck, Tom Sextro, Beth McDaniel and Mayor Finan. Staff members Kim Pielage, Barb Rohs, Cynthia Caracci. Chris Patterson represented GHF. Resident Susan deRoos attended meeting and participated.

1. Finance

- a. Tax revenues this month were down by approximately \$575,000 compared to the same time last month. Part of this is timing (most likely) and part, is probably, the announced workforce reductions. Total tax receipts to date are \$11,826,866 and VOE budgeted tax revenue amount for 2020 is \$14,800,000. The average of over \$991,100 each of the next three months in tax receipts to make current year budget.
- b. Acceptance of the tax budget that was approved by Hamilton County – VOE opted to not collect property tax.
- c. Budget transfer to police capital account for vehicle replacement of vehicle hit. Insurance will offset some of cost.
- d. Budget transfer to CIC – awaiting estimated amount needed from Mr. Elmer.
- e. Budget Appropriation entry for the Cares Act Relief fund and possibly an entry to move expenditures into this fund will be an ordinance.
- f. Resolution for personnel expenses that are working COVID related jobs and different than intended and ¼ of Chief Hauck's time is all COVID tracking.

2. Recreation

- a. Department update Mrs. Pielage distributed the bids for the fitness center. Ms. Pielage recommends FitMees because FitMees met all requirements of RFP. Lifestyle Essentials stated they were not able to submit a performance bond or surety bond due to the pandemic. Mayor Finan does not see the need for a performance bond and thinks this should be amended in the future but does believe a surety bond is required. Mr. Mees was able to submit both bonds. Mr. Albrinck's concern is that Mr. Mees does not have a track record and that this is a new entity. Lifestyle has had the VOE contract for 12 years. Ms. deRoos asked what measurements VOE puts on the contract. There are monthly reports provided by Amy Ash to Ms. Pielage and council.
- b. Phi rep for recreation commission- Ordinance for Julia Ramsey
- c. Swing set at playground will be demolished by service department and site prepared. The new set will be installed after pad and demolition happens. At the current time there are no COVID restrictions.
- d. In 2014 picnic tables were purchased for open air shelter and the tables are flipping. Each table will be changed to adjust.

- e. Free yoga, Tuesday Tunes and other classes have large turnouts. Youth basketball will continue but Men's basketball will probably not happen.
- f. Drive Thru BOO is Oct 17.
- 3. Service/Engineering
 - a. Department report -attached since Mr. Jeffers is on vacation
- 4. GHF
 - a. Sunflower festival is going this weekend.
- 5. Other Business
 - a. Griffin Farm- Mr. Puthoff read a letter from a resident regarding Griffin Nature Preserve. The letter states the nature preserve is in poor condition and filled with invasive honeysuckle and other plants. This resident would gladly volunteer time to educate staff. Mr Puthoff spoke to mayor and the terms of accepting the property. There is no Griffin Farm committee. Ms. Caracci states there is a Griffin Fund and there is \$147,000 in fund and \$10,000/year is budgeted. The committee agrees to speak to resident regarding renewing the committee.
 - b. Mayor Finan is attending the public hearing at Cincinnati City Hall, regarding firing range owned by the City of Cincinnati.
 - c. The VOE has settled with Duke Electric for \$180,000 for the easement by the CAC. The VOE will be responsible to restore the soccer fields and irrigation system. The VOE wants this responsibility so the restoration will be done to village standards. The original appraisal was \$74,000. This is currently only the paid easement so far.
 - d. Duke Electric is going to forego the easement on the corners
 - e. The amended plan is 149 pages with minor modification in Evendale under Evendale Commons.
 - f. Ms. deRoos stated that the VOE will not receive any property tax revenue for the property and Mr. Elmer is having this wording amended.
 - g. Ms. deRoos asked about the clearing of the property behind Glendale Milford and Park Hills - this was cleared by the VOE and within the public right of way. She asked the VOE to notify the homeowners in the future.
 - h. Mr. deRoos expressed her opinion that the VOE clearcutting on residential property is suggestive that the VOE is welcoming the pipeline. She would like for VOE to be sensitive to residents concerns.

Motion to adjourn was made by Tom Sextro, seconded by Beth McDaniel and unanimously approved. Meeting was closed at 5:40.

Council Summary

Mr. Mayor and Council members. My name is Susan de Roos and I am a resident of the Village and my home is at 3738 Monets Lane.

I am appearing for you tonight to:

1. Clarify why the Ohio Supreme Court dismissed Evendale in the Duke Pipeline appeal
2. Encourage increased Council and resident participation and awareness on the Duke Pipeline Project

I will provide you with a summary here at Council but will submit a more detailed document to support my summary.

It has been four years since Duke Energy first submitted its application for a high pressure pipeline. Countless hours of time and effort were put forth in developing documentation and preparing testimonies ...all to oppose the proposed pipeline. Despite these efforts, in November 2019, the Ohio Power Siting Board approved Dukes application for a high-pressure pipeline and recommended the route the passes through our Village.

Early in 2020, Evendale as well as others filed an Appeal to the Ohio Supreme Court.

On June 4, 2020, the Ohio Power Siting Board filed a motion to dismiss Evendale's appeal as our appeal document did not meet the "specificity" requirement of Ohio Revised Code 4903.10. The motion for dismissal also stated "Evendale's application for rehearing and memorandum in support make only broad general claims."

On June 12, 2020, The Village of Evendale filed a memorandum in opposition to the motion to dismiss.

On August 5, 2020 the Ohio Supreme Court granted that the Village of Evendale be dismissed as a party to the appeal.

Until last week's council meeting, there has been no mention of our appeal being dismissed in any council minutes, Evendale newsletters, or in emails requesting information regarding the pipeline and meetings with Duke. Last week at council it was stated that we did not understand why our appeal was dismissed. The Ohio Supreme Court Docket shows all of the documents that

states quite clearly that our appeal was rejected because our APPEAL document lacked specificity! It is very disappointing that with three attorneys involved and Village legal counsel we were not able to meet the specificity requirements in our one page appeals document. Luckily, NOPE, Blue Ash and Reading were able to do so! We will never know if the decision of Evendale to not attend the Siting Board hearing had any bearing on the decision to dismiss Evendale as party to the Appeal but at least we know that the reason was for lack of specificity on our 5 Appeal points.

The Appeal process is behind us and now we need to focus on what we can do going forward.

I want to focus now point number 2 - on how we can move forward to increase council and resident participation, awareness and communication throughout the pipeline project.

As an example, is all of council aware that 5 permits/approvals have already been issued for the pipeline. How do these permits protect home owner properties, how do they limit construction impact? The Village has protected Village plantings... but what about home owners — will they still be limited to grass only on a 30 foot clearance? How do we communicate and foster participation when most do not even know what is going on?

Council uses the sub-committee approach to discuss the details of Village business before council meetings. I was told by many that “this is where the work gets done”. I have not found a sub-committee where the pipeline project is consistently on the agenda. The importance of the project, its impact on our community both short term and long term is significant. The Pipeline project be should assigned to an existing sub-committee or a new subcommittee be created and the pipeline project should be a standing item on the agenda. All pipeline project information should be reported in the assigned subcommittee. Residents would then be aware of who, when and where the details regarding the project will be discussed. It would also provide a forum for council to be more knowledgeable on the subject.

Please make the pipeline project a monthly agenda item on a subcommittee!

Thank you for your time.

Details:

In February 2016, Duke announced plans for a high pressure pipeline. In September 2016, 4 years ago, Duke filed an application with Ohio Power Siting Board to construct the pipeline. Over the last four years, the Village of Evendale and numerous residents took an active leadership role in opposing the pipeline. Countless hours of time and effort were put forth in developing documentation and preparing testimonies ...all to oppose the proposed pipeline. Despite these efforts, in November 2019, the Ohio Power Siting Board approved Dukes application for a high-pressure pipeline. The Ohio Power Siting Board recommended the route which has the pipeline passing directly through the Village of Evendale. The pipeline will pass in front of numerous residential properties, our elementary school and many of our municipal facilities.

On December 23, 2019, Evendale swiftly took action to be one of the communities that filed an application for a rehearing with the Ohio Power Siting Board. The application for rehearing was filed by Evendale attorneys Timothy M. Burke and Micah E. Kamrass.

In February 2020, the Duke Foundation awarded Evendale \$30,000 to help fund the design of the Aerohub. On the Evendale post of this donation it states that "Duke is one of several financing partners" of the Aerohub. Are they financing Aerohub beyond this \$30,000?

On April 15, 2020, Evendale along with Blue Ash, Reading, and NOPE filed an appeal to the Ohio Supreme Court. In the appeal to the Ohio Supreme Court, the Evendale reasons for appeal were the identical five points mentioned in the application for rehearing dated December 23, 2019.

On June 4, 2020, the Ohio Power Siting Board filed a motion with the Ohio Supreme Court to dismiss the Village of Evendale's appeal. The basis for this motion was that "Evendale's application for rehearing failed to meet the minimal requirement for an application for rehearing to state with specificity, the grounds or grounds for rehearing as required by R.C. 4903.10". The motion for dismissal also stated "Evendale's application for rehearing and memorandum in support make only broad general claims."

On June 12, 2020, The Village of Evendale filed a memorandum in opposition to the motion to dismiss.

On August 5, 2020 the Ohio Supreme Court granted that the Village of Evendale be dismissed as a party to the appeal. We will never know if the decision of

Evendale to not attend the Siting Board hearing had any bearing on the decision to dismiss Evendale as party to the Appeal but at least we know that the reason was for lack of specificity.

On August 1, 2020, I sent an email to the Mayor asking questions regarding the August newsletter. In that email, I formally requested copies of information regarding any meetings discussions or agreements that the Village had regarding the pipeline. On August 6, the day after we were dismissed as party to the appeal, the Mayor replied via email "The meetings with Duke are not public meeting so no minutes are kept. They mainly have been about traffic control etc. When they finalize the plans, we will put out a missive. The one thing we have pressed them on is the Griffin property. They say that they do not have a plan as yet." The Mayor made no mention in his email of Evendale being dismissed as a party to the appeal.

Please note that there is no mention of our appeal being challenged in the July council minutes and no mention in the Mayor's August or September newsletter.

On September 2, The Neighbors Opposing Pipeline Extension or NOPE sent out an email Stating in a "Evendale is no longer eligible to participate in the Ohio supreme court appeal process."

On the same day, I sent an email to the Mayor expressing how disappointing it was to hear that Evendale's appeal with the Ohio Supreme Court was rejected for failing to provide appropriate documentary evidence to support legal challenges being made. I asked the Mayor to please provide detailed information on what documentation was missing and why our Village did not accomplish this task completely, timely and accurately. At the council meeting of September 8 the Mayor chose to address my email questions regarding the appeal. The Mayor stated that he had testified numerous times and submitted pages and pages of documentation opposing the pipeline and did not know why our appeal was rejected. Our appeal was rejected clearly because "Evendale's application for rehearing failed to meet the minimal requirement for an application for rehearing to state with specificity, the grounds or grounds for rehearing as required by R.C. 4903.10." The Ohio Supreme Court it is quite clear that our appeal was rejected because our APPEAL document lacked specificity!

It is very disappointing that with three attorneys involved and Village legal counsel we were not able to meet the specificity requirements in our one page appeals document. Luckily, Blue Ash and Reading were able to do so.

The Village has issued 5 permit/approvals for construction of the pipeline. I would like council to raise their hand if they were aware of these permits being issued.

On July 6, 2020, the Village Engineer approved

- Plainfield Road Bore permit (No. 18875-1) 7am-7pm
- Glendale Milford Open Cut permit (No. 18875-2) 7am-7pm
- Reading Road HDD permit (No. 18875-3) 24/4
- Glendale Milford Road Bore permit (No. 18875-4) 7am-7pm
- Evendale Commons Drive Open Cut permit (No. 18875-5) 7am-7pm

On July 8, 2020, The Village Building Department issued a Building permit (PM-20-18875) for a Right of Way project at zero cost.

On August 26, the Village Engineer granted Approval of Temporary Floodplain Impacts created by the pipeline project. Please note Duke was kind enough to provide Evendale the wording for the approval.

The Village has approved Duke pipeline construction during peak traffic hours of 7am to 7 pm. It is also important to note that the Village has negotiated to maintain plantings in the pipeline area. However, homeowners were told during the application process Duke requires 30 feet of permanent clearance and that only grass can be planted. Are we looking out for the homeowners as we set out the terms of the issued permits?

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