



# RESOLUTION 22-2023 OF THE VILLAGE OF ASHVILLE



**DETERMINING THAT THE ESTABLISHMENT OF THE ASHVILLE NEW COMMUNITY AUTHORITY WILL BE CONDUCIVE TO THE PUBLIC SAFETY, CONVENIENCE, AND WELFARE AND IS INTENDED TO RESULT IN THE DEVELOPMENT OF A NEW COMMUNITY AUTHORITY TO BE ORGANIZED AND A BODY POLITIC AND CORPORATE, AND DEFINING THE BOUNDARY OF THE NEW COMMUNITY DISTRICT AND DECLARING AN EMERGENCY.**

WHEREAS, the Village of Ashville, in its capacity as a “developer” within the meaning of Section 349.01(E) of the Ohio Revised Code (the “Village”) plans to establish a new community development program for the purposes of encouraging and supporting well-balanced and diversified land use patterns within the territory of the Village, including facilities for the conduct of industrial, commercial, residential, cultural, educational, and recreational activities, all as described in Revised Code Chapter 349; and

WHEREAS, on [September 25], 2023, the Village submitted to the Council of the Village (“Council”), pursuant to Revised Code Section 349.03, a Petition for Establishment of the Ashville New Community Authority under Chapter 349 of the Ohio Revised Code (the “Petition”), a copy of which Petition is on file with the Clerk of Council; and

WHEREAS, the Ashville New Community Authority is located entirely within the municipal corporate boundaries of the Village, a municipal corporation, and this Council, as the legislative authority of the Village, is therefore the organizational board of commissioners for the Ashville New Community Authority; and

WHEREAS, ON [OCTOBER 2], 2023, PURSUANT TO REVISED CODE SECTION 349.03, THIS COUNCIL ADOPTED ITS ORDINANCE NO.2023-08, WHICH ORDINANCE DETERMINED THAT THE PETITION IS SUFFICIENT AND COMPLIES WITH THE REQUIREMENTS OF REVISED CODE SECTION 349.03 IN FORM AND SUBSTANCE; AND

WHEREAS, pursuant to Revised Code Section 349.03, this Council held a public hearing on the Petition on [November 20], 2023, notice of which was published as required in Revised Code Section 349.03, and the date of which hearing is not more than thirty (30) nor more than forty-five (45) days after the filing date of the Petition; and

WHEREAS, this Council has determined that the Petition will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the development of a new community; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety, and general welfare of the municipality that this resolution take effect at the earliest date provided by law.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Ashville that:

**SECTION ONE - APPROVAL OF PETITION:**

The Petition is hereby accepted and shall be recorded, along with this Resolution, in the journal of this Council as the organizational board of commissioners for the purpose of Revised Code Chapter 349. Council hereby determines that the Ashville New Community Authority will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the development of a new community as defined in Revised Code Section 349.01(A). Pursuant to the Petition, the Ashville New Community Authority is hereby organized as a body politic and corporate with the corporate name designated in the Petition (such name being the “Ashville New Community Authority”), and the boundaries of the Ashville New Community District are consistent with the boundaries described in the Petition.

**SECTION TWO - BOARD OF TRUSTEES OF ASHVILLE NEW COMMUNITY AUTHORITY:**

Board of Trustees of Ashville New Community Authority. Pursuant to Revised Code Section 349.04(C), the Village may, as the “organizational board of commissioners,” adopt an alternative method of selecting or electing successor members of the Board of Trustees of the Ashville New Community Authority (the “Board”). Pursuant to this authority, the Board shall be comprised of seven (7) members selected and appointed, as provided in the Petition. The following alternative method, as further identified in the Petition, shall exist until an alternative method is approved by resolution of this Council:

Prepared: 08/21/2023  
Revised Date:  
Review Date:

**CERTIFICATE OF RECORDING OFFICER**

I, the undersigned, hereby certify, that the foregoing is a true and correct copy of the resolution adopted by the Village of Ashville Council held on 20<sup>th</sup> day of November 2023, and that I am duly authorized to execute this certificate.



\_\_\_\_\_  
(Original signature of April D. Grube)

Clerk-Fiscal Officer  
(TITLE)

## Resolution 22-2023

(i) This Council, as the “organizational board of commissioners” under Revised Code Section 349.01(F), shall appoint three (3) citizen members of the Board to represent the interests of present and future residents and employers of the District (the “Citizen Members”):

Citizen Member 1 shall be Colton T. Henson.

Citizen Member 2 shall be Randy S. Loveless.

Citizen Member 3 shall be Stefanie C. Wharton.

(ii) In addition, this Council shall appoint one (1) member to serve as a representative of local government (the “Local Government Representative”), provided that this member is nominated and approved by the Teays Valley Local School District:

The Local Government Representative shall be Kyle Wolfe, Superintendent of the Teays Valley Local School District.

(iii) The Village, through the Village Administrator, in its capacity as “developer” and through the Village Administrator, shall appoint three (3) members to serve on the Board as representatives of the Village in its capacity as “developer” (the “Developer Representatives”).

Developer Representative 1 shall be Ronald L. Foreman.

Developer Representative 2 shall be Mark A. Leatherwood.

Developer Representative 3 shall be Jonathan T. Meenach.

The members of the Board shall serve two-year (2) overlapping terms, with Citizen Member 1, Citizen Member 2, Developer Representative 1, and Developer Representative 2 serving initial one-year (1) terms. Citizen Member 3, the Local Government Representative, and Developer Representative 3 shall serve initial two-year (2) terms.

### **SECTION THREE – BOARD REPLACEMENT:**

Pursuant to Revised Code Section 349.04, this Council may adopt a method for selection of successor members of the Board which determines the projected total population of the new community. This Council hereby determines that the projected population of the District shall consist of 1,000 or more residents over time. This Council further adopts an alternative method of selection of successor members of the Board, to be selected as follows:

(i) This Council shall continue to appoint replacement Citizen Members of the Board and the Local Government Representative (provided that the Local Government Representative is nominated and approved by the Teays Valley Local School District) upon the expiration of that member’s term or resignation by that member unless this Council determines such Citizen Members of the Board and the Local Government Representative shall be elected in the manner prescribed by Revised Code Sections 349.04(A) and (C).

(ii) The Village as “developer,” through the Village Administrator, shall appoint replacement Developer Representatives to the Board upon the expiration of that member’s term or resignation by that member, unless this Council determines such Developer Representatives of the Board shall be elected in the manner prescribed by R.C. Section 349.04(B).

### **SECTION FOUR – BOARD BONDS:**

Pursuant to Revised Code Section 349.04, there shall be posted for each member of the Board of Trustees a bond in the amount of ten thousand dollars (\$10,000) for the faithful performance of his or her duties. The bond shall be with a company authorized to conduct business within the State of Ohio as a surety and shall be deposited with and preserved by the Clerk of Council. This Council determines that the Mayor, the Village Administrator, or their designee(s), shall have the authority to take such action as is not adverse to this Council in order to carry out the terms of this Resolution pursuant to the Petition and Revised Code Chapter 349.

Resolution 22-2023

**SECTION FIVE - DISSOLUTION:**

Pursuant to Revised Code Section 349.14, this Council may, as the organizational board of commissioners, provide for an alternative method for the dissolution of the Ashville New Community Authority. This Council determines that the Ashville District New Community Authority may be dissolved, upon written approval of the Board of Education of the Teays Valley Local School District, by unanimous vote of this Council prior to the issuance of, or when no, community authority bonds or notes are outstanding and all other legal indebtedness of the authority has been discharged or provided for.

**SECTION SIX - OPEN MEETINGS:**

This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Revised Code Section 121.22.

**SECTION SEVEN – EFFECTIVE DATE:**

This Resolution is declared to be necessary for the immediate preservation of the peace, health, safety, and general welfare of the people of the municipality and shall take effect at the earliest date provided by law.

NOW, AND HEREAFTER BE IT RESOLVED BY THE VILLAGE COUNCIL, VILLAGE OF ASHVILLE, PICKAWAY COUNTY, STATE OF OHIO THAT:

THEREFORE, this resolution will take effect at the earliest time allowed by law.

Offered by: Colton Henson  
Seconded to the Motion Offered by: Steve Welsh

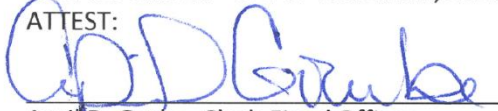
Upon roll call on the adoption of the resolution, the vote was as follow:

Council Member	Yes	No	Council Member	Yes	No	Council Member	Yes	No	Council Member	Yes	No	Council Member	Yes	No
Roger L. Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Colton Henson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Randy S. Loveless	<input checked="" type="checkbox"/>	<input type="checkbox"/>	R. David Rainey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Matt Scholl	<input type="checkbox"/>	<input type="checkbox"/>
												Steve Welsh	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Excused Absences

ADOPTED THIS 20<sup>th</sup> DAY OF NOVEMBER, 2023

ATTEST:



April D. Grube, Clerk-Fiscal Officer

DATE: 11/21/2023

APPROVED:



Nelson R. Embrey II, Mayor

DATE: 11/22/2023

Approved as to form:



Village Solicitor