

**VILLAGE OF BALTIMORE
SPECIAL COUNCIL MEETING
July 30, 2020
6:00 p.m.**

Mayor Nicodemus opened the meeting at 6:03 p.m. with the Lord's Prayer and the Pledge of Allegiance.

ROLL CALL: Council members connected remotely were Waid Cosgray, Rick Foreman, Mike Hamilton, Bob Hankison, Chuck Keller and Dwayne Mohler. Also present were Mayor Brad Nicodemus, VA Teri Wise, Fiscal Officer Brian Bibler, Solicitor Jeff Feyko and Police Chief Mike Tussey.

APPROVAL OF AGENDA:

Mayor Nicodemus read the heading of Ordinance 2020-25 since it was not available prior to distribution of the agenda. All members had received a copy of the Ordinance.

ORDINANCE 2020-25

**AN ORDINANCE DETERMINING TO PROCEED WITH BOND ISSUE AND
THE DECLARATION OF AN EMERGENCY**

Mohler made a motion to approve the agenda. Keller seconded the motion. There was no further discussion. The motion was approved by a 6-0 vote.

VISITORS:

No public comments via tele-conference Council Meeting. Those with questions or comments should submit them to mayor@baltimoreohio.org with the subject "7/30/2020 Public Comment" by noon July 30, 2020, and those received will be made part of record and attached to the meeting minutes. Questions/comments may not be addressed as part of the Council meeting. There were no questions or concerns emailed to the Mayor prior to tonight's meeting.

PURPOSE OF THE MEETING:

1. Approval of Bond Levy Ordinance

FIRST READING

ORDINANCE 2020-25

**AN ORDINANCE DETERMINING TO PROCEED WITH BOND ISSUE AND
THE DECLARATION OF AN EMERGENCY**

Sponsor: FOREMAN

- Sponsor Foreman said that this is needed to put the bond levy issue on the ballot and there is a deadline to meet. Sponsor Foreman made a motion to suspend the three reading rule. Mohler seconded the motion. There was no discussion. The motion was approved by a 6-0 vote.
- The Mayor noted that this Ordinance did not have to go through Committee since it is follow up to legislation which did go through Committee
- Sponsor Foreman made a motion to adopt Ordinance 2020-25. Mohler seconded the motion.
- Hamilton noted a typo in the text of the Ordinance. Hamilton made a motion to correct the typo. Mohler seconded the motion. There was no discussion. The motion was approved by a 6-0 vote.
- Mohler asked how soon the Mayor intended to get information out to the voters. The Mayor wants to get a schedule for that set next week.
- There was no further discussion. Ordinance 2020-25 was adopted by a 6-0 vote.

With no further business to discuss, Mohler made a motion to adjourn for the evening. Hankison seconded the motion. The motion was approved by unanimous voice vote. The meeting was adjourned at 6:15 p.m.

Brian Bibler, Fiscal Officer

Bradley Nicodemus, Mayor



Legal Counsel.

DINSMORE & SHOHL LLP
191 West Nationwide Boulevard ^ Suite 300
Columbus, OH 43215
www.dinsmore.com

Dennis G. Schwallie
(614) 224-5205 (direct) ^ (614) 224-0069 (fax)
dennis.schwallie@dinsmore.com

July 29, 2020

VIA EMAIL (feykolaw@aol.com) ONLY

Jeffrey Feyko, Village Solicitor
Village of Baltimore, Ohio
110 North Center Street
Pickerington, Ohio 43147

Re: \$17,000,000 Water System Improvement Bonds of the Village of Baltimore, Ohio to be submitted at the November 3, 2020 election

Dear Jeff:

We have prepared and are attaching the following final pre-election proceedings for the above-referenced issue:

- Ordinance Determining to Proceed with Bond Issue, and Declaring an Emergency, with Extract of Minutes.

Not later than 4:00 p.m. of the ninetieth (90th) day prior to the election, which is Wednesday, August 5, 2020, the following three (3) documents must be certified to and receipted by the Board of Elections:

- a) Ordinance Declaring the Necessity of Issuing Bonds, Submitting the Question to the Electors of the Village, and Declaring an Emergency, with Extract of Minutes;
- b) County Auditor's Certificate of Average Annual Property Tax Levy; and
- c) Ordinance Determining to Proceed with Bond Issue, and Declaring an Emergency, with Extract of Minutes.

Once the attached documents have been executed, please return one copy of the proceedings to us. The extra copies of the proceedings are for your use.

We have also prepared and attached a suggested form of Notice of Election to be used by the Board of Elections.

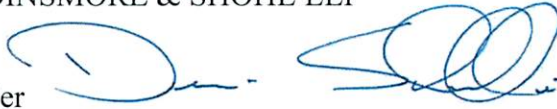


Jeffrey Feyko, Village Solicitor
July 29, 2020
Page 2

Please send us a copy of the publisher's affidavit in proof of publication of the notice of election, ballot proof, and certificate of results of the election as they become available. In the meantime, do not hesitate to call if any questions arise or if we may be of additional service.

Sincerely,

DINSMORE & SHOHL LLP

Per 

Dennis G. Schwallie

DGS/cd
Attachments

16654959

RECORD OF ORDINANCES

Ordinance No. 2020-25

Passed July 30 2020

VILLAGE OF BALTIMORE, OHIO

ORDINANCE NO. 2020-25

AN ORDINANCE DETERMINING TO PROCEED WITH BOND ISSUE AND THE DECLARATION OF AN EMERGENCY

WHEREAS, this Village Council has, by an ordinance duly passed on July 27, 2020 (the "Ordinance of Necessity"), determined the necessity of issuing bonds in the amount of \$17,000,000 for the purpose of replacement and upgrade of the water distribution system throughout the Village (the "Project"), and the necessity of levying an annual direct tax on all the taxable property in this Village, outside of the ten-mill limitation to pay the interest on and to retire said bonds and any anticipatory securities and provided that the question of issuing said bonds and of levying said direct tax shall be submitted to the electors of said Village at an election to be held on November 3, 2020;

WHEREAS, the Village Fiscal Officer of this Village has heretofore certified that Ordinance of Necessity determined that the maximum maturity of said bonds is forty (40) years but reduced to thirty (30) years by prior action of this Village Council in the Ordinance of Necessity; and

WHEREAS, the County Auditor has advised that the tax valuation of this Village is \$59,712,440, and that the estimated average annual levy throughout the life of said bonds which will be required to pay the interest on and retire said bonds, is thirteen and nine tenths mills (13.90 mills), for each one dollar (\$1.00) of valuation which amounts to one dollar and thirty-nine cents (\$1.39) for each one hundred dollars (\$100.00) of valuation;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE VILLAGE OF BALTIMORE, FAIRFIELD COUNTY, OHIO,
THREE-FOURTH'S (3/4'S) OF ITS MEMBERS CONCURRING:

SECTION 1: That it is hereby determined to proceed with the issuance of bonds of the Village in the amount of \$17,000,000, for the purpose of replacement and upgrade of the water distribution system throughout the Village, and to levy an annual direct tax on all the taxable property in the Village outside of the limitation imposed in Section 2 of Article XII of the Constitution of the State of Ohio and that the question of issuing said bonds and of levying said direct tax shall be submitted the electors of the Village at an election to be held on November 3, 2020, under authority of Chapter 133 of the Ohio Revised Code, particularly Section 133.18 thereof.

SECTION 2: That the Village Fiscal Officer of the Village be and is hereby directed to certify to the Board of Elections (i) a true and correct copy of the Ordinance of Necessity, (ii) a true and correct copy of this ordinance, (iii) the amount of the average annual property tax levy, expressed in dollars and cents for each one hundred dollars (\$100.00) of valuation as well as in mills for each one dollar (\$1.00) of valuation as estimated and certified to the Village by the County Auditor, and (iv) the maximum number of years required to retire said bonds, and to notify said Board of Elections to cause notice of such election to be given as required by law, all by not later than the ninetieth (90th) day prior to said election.

SECTION 3: That the form of ballot upon which the question of issuing said bonds and of levying said direct tax shall be submitted to the electors substantially as follows:

RECORD OF ORDINANCES

Ordinance No. 2020-25

Passed July 30 20 20

PROPOSED BOND ISSUE

Majority Affirmative Vote is Necessary for Passage

Shall bonds be issued by the Village of Baltimore, Ohio, for the purpose of replacement and upgrade of the water distribution system throughout the Village in the principal amount of Seventeen Million Dollars (\$17,000,000), to be repaid annually over a maximum period of thirty (30) years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county auditor to average over the repayment period of the bond issue thirteen and nine tenths mills (13.90 mills) for each one dollar (\$1.00) of tax valuation, which amounts to one dollar and thirty-nine cents (\$1.39) for each one hundred dollars of tax valuation, commencing in 2020, first due in calendar year 2021, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds.

:	:
:	FOR THE BOND ISSUE
:	:
:	:
:	AGAINST THE BOND ISSUE
:	:

The above form of ballot may be altered to comply with any requirements of the Board of Elections or the Ohio Secretary of State.

SECTION 4: That it is found and determined that all formal actions of this village council concerning and relating to the passage of this ordinance were adopted in an open meeting of this village council; and that all deliberations of this village council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code.

SECTION 5: That this ordinance is hereby declared to be an emergency measure for the reason that the public peace, health, safety and welfare of the inhabitants of the Village require the submission of the question of issuing the bonds referred to herein at the November 3, 2020 election so that the citizens of the Village may enjoy the benefits of the Project at the earliest possible time, and therefore, this ordinance shall take effect immediately upon its passage.

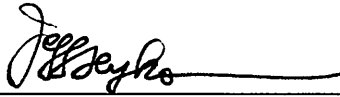
Brad Nicodemus, Mayor

DATE OF PASSAGE: July 30, 2020

EFFECTIVE DATE: July 30, 2020

ATTEST: _____
Brian Bibler, Fiscal Officer

SPONSOR:

APPROVED AS TO FORM: 
Jeffrey Feyko, Village Solicitor

RECORD OF ORDINANCES

Ordinance No. 2020-25

Passed July 30 2020

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. 2020-25 passed at a meeting held on July 30, 2020.

The undersigned further certifies that (i) a true and correct copy of said Ordinance, which includes the maximum number of years required to retire the bonds therein described; (ii) a true and correct copy of the ordinance declaring the necessity of the bond issue, the direct tax and the election; and (iii) a copy of the County Auditor's estimate and certification of the amount of the average tax levy, expressed in dollars and cents for each one hundred dollars (\$100.00) of valuation as well as in mills for each one dollar (\$1.00) of valuation, were filed with the Board of Elections of Fairfield County, Ohio on _____, 2020.

Brian Bibler, Village Fiscal Officer

RECEIPT

The undersigned hereby acknowledges receipt this day of (i) a certified copy of the foregoing ordinance, which includes the maximum number of years required to retire the bonds therein described; (ii) a certified copy of the ordinance declaring the necessity of the bond issue, the direct tax and the election; and (iii) a copy of the County Auditor's estimate and certification of the amount of the average tax levy, expressed in dollars and cents for each one hundred dollars (\$100.00) of valuation as well as in mills for each one dollar (\$1.00) of valuation.

Director of Elections
Fairfield County, Ohio

Dated: _____, 2020

EXTRACT OF MINUTES OF MEETING

The Council of the Village of Baltimore, Ohio, met in special session at 6:00 p.m. on July 30, 2020, at an on-line meeting coordinated in Baltimore, Ohio, with the following members present:

Absent: _____

There was presented and read to Council Ordinance No. 2020-25, entitled:

**AN ORDINANCE DETERMINING TO PROCEED
WITH BOND ISSUE, AND THE DECLARATION
OF AN EMERGENCY.**

_____ moved the rule requiring an ordinance or resolution of a general or permanent nature to be read on three separate days be suspended as to Ordinance No. 2020-25. _____ seconded the motion, and the following was the result of a vote thereon (at least three-fourths of the members elected thereto concurring):

YEAS: _____

NAYS: _____

_____ then moved that Ordinance No. 2020-25 be passed as read. _____ seconded the motion and, the roll being called upon the question, the vote resulted as follows (at least two-thirds of the members elected thereto concurring):

YEAS: _____

NAYS: _____

The ordinance was declared passed July 30, 2020.

CERTIFICATE

The undersigned, Village Fiscal Officer of the Village of Baltimore, Ohio hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the Council of said Village, held on July 30, 2020, to the extent pertinent to consideration and passage of the above-entitled legislation.

Brian Bibler, Village Fiscal Officer

DGS/16654959

NOTICE OF ELECTION

Notice is hereby given that pursuant to an ordinance passed by the Village Council of the Village of Baltimore, Ohio, on July 30, 2020, there will be submitted to the qualified electors of said Village at an election to be held on November 3, 2020 at the regular places of voting therein, the question of issuing bonds of said Village in the principal amount of \$17,000,000, for the purpose of replacement and upgrade of the water distribution system throughout the Village, and of levying a tax to pay the principal and interest of said bonds outside of the ten-mill constitutional limitation imposed by Section 2 of Article XII, Ohio Constitution.

The maximum number of years over which the principal of the bonds may be paid is thirty (30) years and the estimated additional average annual property tax levy, outside of the ten-mill limitation, to pay the interest thereon and to retire the same, as estimated and certified by the County Auditor, will be thirteen and nine tenths mills (13.90 mills) for each one dollar (\$1.00) of tax valuation, which amounts to one dollar and thirty-nine cents (\$1.39) for each one hundred dollars (\$100.00) of tax valuation. Said property tax is estimated to be first levied in tax year 2020, and expected to be first due in calendar year 2021.

The polls will be open from _____ a.m. to _____ p.m. on said date.

BY ORDER OF THE BOARD OF ELECTIONS OF
THE COUNTY OF FAIRFIELD, OHIO

Director of Elections

* * * * *

PUBLISHER'S NOTE: This notice must be published in a newspaper of general circulation in the Village at least once no later than ten (10) days prior to the date of the election.

**VILLAGE OF BALTIMORE
COUNCIL AGENDA
SPECIAL MEETING
July 30, 2020
6:00PM**

PRAYER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF THE AGENDA FOR: July 30, 2020

VISITORS:

PURPOSE OF MEETING: Approval of bond levy ordinance

LAST CALL:

ADJOURN



Legal Counsel.

DINSMORE & SHOHL LLP
191 West Nationwide Boulevard ^ Suite 300
Columbus, OH 43215
www.dinsmore.com

Dennis G. Schwallie
(614) 224-5205 (direct) ^ (614) 224-0069 (fax)
dennis.schwallie@dinsmore.com

July 29, 2020

VIA EMAIL (feykolaw@aol.com) ONLY

Jeffrey Feyko, Village Solicitor
Village of Baltimore, Ohio
110 North Center Street
Pickerington, Ohio 43147

Re: \$17,000,000 Water System Improvement Bonds of the Village of Baltimore, Ohio to be submitted at the November 3, 2020 election

Dear Jeff:

We have prepared and are attaching the following final pre-election proceedings for the above-referenced issue:

- Ordinance Determining to Proceed with Bond Issue, and Declaring an Emergency, with Extract of Minutes.

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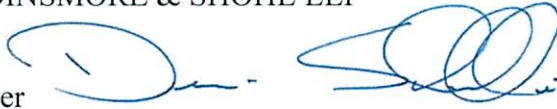


Jeffrey Feyko, Village Solicitor
July 29, 2020
Page 2

Please send us a copy of the publisher's affidavit in proof of publication of the notice of election, ballot proof, and certificate of results of the election as they become available. In the meantime, do not hesitate to call if any questions arise or if we may be of additional service.

Sincerely,

DINSMORE & SHOHL LLP

Per 

Dennis G. Schwallie

DGS/cd
Attachments

16654959

RECORD OF ORDINANCES

Ordinance No. 2020-25

Passed July 30 2020

VILLAGE OF BALTIMORE, OHIO

ORDINANCE NO. 2020-25

AN ORDINANCE DETERMINING TO PROCEED WITH BOND ISSUE AND THE DECLARATION OF AN EMERGENCY

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WHEREAS, the Village Fiscal Officer of this Village has heretofore certified that Ordinance of Necessity determined that the maximum maturity of said bonds is forty (40) years but reduced to thirty (30) years by prior action of this Village Council in the Ordinance of Necessity; and

WHEREAS, the County Auditor has advised that the tax valuation of this Village is \$59,712,440, and that the estimated average annual levy throughout the life of said bonds which will be required to pay the interest on and retire said bonds, is thirteen and nine tenths mills (13.90 mills), for each one dollar (\$1.00) of valuation which amounts to one dollar and thirty-nine cents (\$1.39) for each one hundred dollars (\$100.00) of valuation;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE VILLAGE OF BALTIMORE, FAIRFIELD COUNTY, OHIO,
THREE-FOURTH'S (3/4'S) OF ITS MEMBERS CONCURRING:

SECTION 1: That it is hereby determined to proceed with the issuance of bonds of the Village in the amount of \$17,000,000, for the purpose of replacement and upgrade of the water distribution system throughout the Village, and to levy an annual direct tax on all the taxable property in the Village outside of the limitation imposed in Section 2 of Article XII of the Constitution of the State of Ohio and that the question of issuing said bonds and of levying said direct tax shall be submitted the electors of the Village at an election to be held on November 3, 2020, under authority of Chapter 133 of the Ohio Revised Code, particularly Section 133.18 thereof.

SECTION 2: That the Village Fiscal Officer of the Village be and is hereby directed to certify to the Board of Elections (i) a true and correct copy of the Ordinance of Necessity, (ii) a true and correct copy of this ordinance, (iii) the amount of the average annual property tax levy, expressed in dollars and cents for each one hundred dollars (\$100.00) of valuation as well as in mills for each one dollar (\$1.00) of valuation as estimated and certified to the Village by the County Auditor, and (iv) the maximum number of years required to retire said bonds, and to notify said Board of Elections to cause notice of such election to be given as required by law, all by not later than the ninetieth (90th) day prior to said election.

SECTION 3: That the form of ballot upon which the question of issuing said bonds and of levying said direct tax shall be submitted to the electors substantially as follows:

RECORD OF ORDINANCES

Ordinance No. 2020-25

Passed July 30 20 20

PROPOSED BOND ISSUE

Majority Affirmative Vote is Necessary for Passage

Shall bonds be issued by the Village of Baltimore, Ohio, for the purpose of replacement and upgrade of the water distribution system throughout the Village in the principal amount of Seventeen Million Dollars (\$17,000,000), to be repaid annually over a maximum period of thirty (30) years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county auditor to average over the repayment period of the bond issue thirteen and nine tenths mills (13.90 mills) for each one dollar (\$1.00) of tax valuation, which amounts to one dollar and thirty-nine cents (\$1.39) for each one hundred dollars of tax valuation, commencing in 2020, first due in calendar year 2021, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds.

:	:
:	FOR THE BOND ISSUE
:	:
:	:
:	AGAINST THE BOND ISSUE
:	:

The above form of ballot may be altered to comply with any requirements of the Board of Elections or the Ohio Secretary of State.

SECTION 4: That it is found and determined that all formal actions of this village council concerning and relating to the passage of this ordinance were adopted in an open meeting of this village council; and that all deliberations of this village council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code.

SECTION 5: That this ordinance is hereby declared to be an emergency measure for the reason that the public peace, health, safety and welfare of the inhabitants of the Village require the submission of the question of issuing the bonds referred to herein at the November 3, 2020 election so that the citizens of the Village may enjoy the benefits of the Project at the earliest possible time, and therefore, this ordinance shall take effect immediately upon its passage.

Brad Nicodemus, Mayor

DATE OF PASSAGE: July 30, 2020

EFFECTIVE DATE: July 30, 2020

ATTEST: _____
Brian Bibler, Fiscal Officer

SPONSOR:

APPROVED AS TO FORM: 
Jeffrey Feyko, Village Solicitor

RECORD OF ORDINANCES

Ordinance No. 2020-25

Passed July 30 2020

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. 2020-25 passed at a meeting held on July 30, 2020.

The undersigned further certifies that (i) a true and correct copy of said Ordinance, which includes the maximum number of years required to retire the bonds therein described; (ii) a true and correct copy of the ordinance declaring the necessity of the bond issue, the direct tax and the election; and (iii) a copy of the County Auditor's estimate and certification of the amount of the average tax levy, expressed in dollars and cents for each one hundred dollars (\$100.00) of valuation as well as in mills for each one dollar (\$1.00) of valuation, were filed with the Board of Elections of Fairfield County, Ohio on _____, 2020.

Brian Bibler, Village Fiscal Officer

RECEIPT

The undersigned hereby acknowledges receipt this day of (i) a certified copy of the foregoing ordinance, which includes the maximum number of years required to retire the bonds therein described; (ii) a certified copy of the ordinance declaring the necessity of the bond issue, the direct tax and the election; and (iii) a copy of the County Auditor's estimate and certification of the amount of the average tax levy, expressed in dollars and cents for each one hundred dollars (\$100.00) of valuation as well as in mills for each one dollar (\$1.00) of valuation.

Director of Elections
Fairfield County, Ohio

Dated: _____, 2020

EXTRACT OF MINUTES OF MEETING

The Council of the Village of Baltimore, Ohio, met in special session at 6:00 p.m. on July 30, 2020, at an on-line meeting coordinated in Baltimore, Ohio, with the following members present:

Absent: _____

There was presented and read to Council Ordinance No. 2020-25, entitled:

AN ORDINANCE DETERMINING TO PROCEED
WITH BOND ISSUE, AND THE DECLARATION
OF AN EMERGENCY.

_____ moved the rule requiring an ordinance or resolution of a general or permanent nature to be read on three separate days be suspended as to Ordinance No. 2020-25. _____ seconded the motion, and the following was the result of a vote thereon (at least three-fourths of the members elected thereto concurring):

YEAS: _____

NAYS: _____

_____ then moved that Ordinance No. 2020-25 be passed as read. _____ seconded the motion and, the roll being called upon the question, the vote resulted as follows (at least two-thirds of the members elected thereto concurring):

YEAS: _____

NAYS: _____

The ordinance was declared passed July 30, 2020.

CERTIFICATE

The undersigned, Village Fiscal Officer of the Village of Baltimore, Ohio hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the Council of said Village, held on July 30, 2020, to the extent pertinent to consideration and passage of the above-entitled legislation.

Brian Bibler, Village Fiscal Officer

DGS/16654959

NOTICE OF ELECTION

Notice is hereby given that pursuant to an ordinance passed by the Village Council of the Village of Baltimore, Ohio, on July 30, 2020, there will be submitted to the qualified electors of said Village at an election to be held on November 3, 2020 at the regular places of voting therein, the question of issuing bonds of said Village in the principal amount of \$17,000,000, for the purpose of replacement and upgrade of the water distribution system throughout the Village, and of levying a tax to pay the principal and interest of said bonds outside of the ten-mill constitutional limitation imposed by Section 2 of Article XII, Ohio Constitution.

The maximum number of years over which the principal of the bonds may be paid is thirty (30) years and the estimated additional average annual property tax levy, outside of the ten-mill limitation, to pay the interest thereon and to retire the same, as estimated and certified by the County Auditor, will be thirteen and nine tenths mills (13.90 mills) for each one dollar (\$1.00) of tax valuation, which amounts to one dollar and thirty-nine cents (\$1.39) for each one hundred dollars (\$100.00) of tax valuation. Said property tax is estimated to be first levied in tax year 2020, and expected to be first due in calendar year 2021.

The polls will be open from _____ a.m. to _____ p.m. on said date.

BY ORDER OF THE BOARD OF ELECTIONS OF
THE COUNTY OF FAIRFIELD, OHIO

Director of Elections

* * * * *

PUBLISHER'S NOTE: This notice must be published in a newspaper of general circulation in the Village at least once no later than ten (10) days prior to the date of the election.