

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in a Special Meeting on Thursday, April 25, 2019, at 7:30 P.M. in the JV Stone Council Chambers of the Centerville Municipal Building. The meeting was opened with an Invocation given by Councilmember Bill Serr and the Pledge of Allegiance to the flag with Mayor Compton presiding. Councilmembers and City Staff were present as follows:

Councilmembers John Beals
 Mark Engert
 John Palcher
 JoAnne Rau
 Bill Serr
Clerk of Council Carin Andrews
Finance Director Tyler Roark
Public Works Director Doug Spitler
Assistant City Manager Mariah Vogelgesang
Economic Development Administrator Holly Christmann
Municipal Attorney Scott Liberman

Councilmember Palcher made a motion to excuse Deputy Mayor Belinda Kenley, it was seconded by Mr. Engert and passed with a 6-0 vote.

Mrs. Andrews reported no communications received.

There being no Citizens Comments or Petitions, or no Official Reports Mayor Compton turned the attention of the group to the Consent Agenda. Any City Councilmember may remove an item from the Consent Agenda by request. No second is required for removal of an item. Items removed for separate discussion will be considered after the motion to approve the remaining Consent Agenda items.

Councilmembers read the Consent Agenda into the record as follows:

- A. Resolution 27-19, A Resolution Authorizing And Directing The City Manager To Take All Steps And Execute All Documents Necessary In Order To Affect The Purchase And Sale Agreement Of Real Estate With Cornerstone Developers LTD For Property Located At The Cornerstone Project Commonly Known As The Park Consisting Of 20.52 Acres More Or Less In Greene County, Ohio, be passed.
- B. Resolution 28-19, A Resolution Authorizing And Directing The City Manager To Take All Steps And To Execute All Documents Necessary In Order To Affect An Agreement Regarding Real Estate Owned By Cornerstone Developers LTD For Property Located At The Cornerstone Project Commonly Known As The Park Consisting Of .535 Acres More Or Less In Greene County, Ohio, be passed.
- C. Resolution 29-19, A Resolution Supporting The Submission Of A Clean Ohio Grant Application For Acquisition Of 20.52 Acres Of Undeveloped Land For Open Space Preservation And A Community Park, be passed.

Mayor Compton requested that each item on the Consent Agenda be reviewed individually. Assistant City Manager, Mariah Vogelgesang provided a general overview and background information. The three Resolutions before Council are all inter-related to the Cornerstone Park. A Resolution for the purchase and sale of the Cornerstone Park area, a Resolution for the active portion of the park which cannot be included in the application for Clean Ohio Funds and a Resolution for a corresponding grant application for the Clean Ohio Grant Fund. The Clean Ohio Fund is the state's main funding source for open space conservation and protection of ecologically sensitive areas. The purchase agreement for approximately 20.52 acres is contingent upon the City receiving Clean Ohio grant funds. Appraised value of the entire 20.52 acres is \$1,472,108, the agreed purchase price of \$1,000,000 is contingent upon receipt of a grant in the same amount from the Clean Ohio funds. To meet the conservation intent of the Clean Ohio Fund, there will need to be passive areas, natural vegetation, lighting that limits light pollution, and deed restrictions. The Cornerstone Park has not yet received approvals for the final design plan and major site plan. These approvals are contingencies for the City accepting funds (taking ownership).

Mrs. Rau inquired if the grant came in at a lower amount, how that would affect the purchase. Mariah Vogelgesang explained that the contract has language that calls for a bargain sale which means that the difference in the appraised value minus the money received through the grant application would be available as a bargain sale donation from the developer. There are contingencies that either the City or the developer could decline moving forward in the case that the City would receive less than \$1,000,000 from the grant application. Mrs. Rau further inquired whether when the developer goes through the process to submit their final development plan for the park, what if there are major inconsistencies or disagreements between the developer and the city. Ms. Vogelgesang answered that any Final Design Plan would require Council's approval and a Major Site Plan would require Planning Commission's approval; however, Council would hear any appeal of the Planning Commission Major Site Plan.

Mr. Beals inquired whether the City would maintain control over asphalt paths, width of paths, vegetation, and other such details before the City accepts any Clean Ohio grant funds. Ms. Vogelgesang responded that generally speaking there have been contingencies shared by the developer and there have been discussions; however, there have been no major site plans, or final design plans approved for the Cornerstone Park. The first step in the process is to submit the application. If notified that the City has been awarded funds, we would then work through approval of a final design plan prior to accepting the funds. Mr. Beals then pointed out that the City wishes to be in a position of control regarding the park's development. Ms. Vogelgesang reiterated that the City will have control and will follow the processes through final development plan and any appeals. Mr. Liberman added that the development agreement and the MOU will need to be modified for reasons of timing. Mayor Compton reviewed the discussion stating the grant application will be made; if it is awarded, the park concept ultimately be approved by the City; if it is not approved, the City is under no obligation to accept the Clean Ohio grant Funds. Ms. Vogelgesang affirmed that statement.

Mr. Beals inquired about vegetation requirements of the Clean Ohio Funds. Mr. Palcher asked if the developer is aware of the current conditions of these agreements. An affirmative answer was given by Ms. Vogelgesang for both.

Mr. Robert Hall – Oberer Land Developers, 3445 Newmark Drive, Miamisburg, Ohio addressed questions about the park with a slide show. It showed the overall concept of the park. Compared to previous discussions regarding the park at former work sessions, there will now be one Clean Ohio Grant application being submitted as opposed to multiple grant applications. In April 2018, a major site plan application was submitted to the City staff with back and forth negotiations. Many of the initial comments made by staff have been incorporated into the site plan. Oberer Developers will maintain the 2.9 acres adjacent to Wilmington Pike as a passive area. The heart of the park area around the stormwater pond remains unchanged with one exception, after preliminary discussions with the OPWC and the Clean Ohio grant, it was determined that there was too much lighting. Oberer is proposing to eliminate the site lighting and change it to Ballard lighting. Directing the attention to the area adjacent to I-675, it was pointed out that there will be a trail connecting the multi-family to the assisted living. Mr. Hall added that a few years ago Oberer Developers proposed a re-design of the entertainment area. He pointed out features of the active area that included a platform area, squared seating, checkpoints through the bike path, covered benches, painted concrete, bench swings, manicured lawn area that would be available for many different offerings, a play area with rubberized flooring material, and public restrooms.

Mr. Beals asked Mr. Hall about construction of the pathways and if they will be to the specification of the City Engineer and would there be Ballard lighting on the trails and pathways. Mr. Spitler spoke to the requirements, answering that in the passive part of the park both concrete and asphalt trails will be 8 feet in width. In the outlying areas they will be 6 feet wide asphalt trails. Ballard lighting will be on the trails with the exception of the connection points and enhanced areas according to Mr. Hall. Mr. Beals also inquired about where parking would be located. Mr. Hall explained that the parking will primarily be in the rear of the Village lot, Coopers Hawk will be using the lot behind Costco for valet parking during restricted hours. Mr. Beals asked whether the parking for the park will be designated with signs. At this point, there is not a plan for signage; however, Mr. Hall stated that the developer could work with staff and contact OPWC regarding requirements for signage for the park. Mayor Compton pointed out that the valet parking for Coopers Hawk would likely be later hour parking and would not be in conflict with the park.

Councilmember Rau spoke about the differences in the passive portion of the park and inquired if the developer had plans for these passive areas. The area north of the stormwater detention area and to the east between the multi-family and stormwater quality pond, adjacent to a gazebo would be a storm water quality pond. The tree preservation area along Wilmington Pike will remain natural. Additionally, about one year ago, Oberer had Siebenthaler's mitigate all of the honeysuckle in that area. The intent is to eliminate all of the invasive species and let the natural species thrive.

Mr. Palcher asked for the operating hours of Cooper's Hawk. Mr. Hall stated that Cooper's Hawk has no intention of signing, roping off or designating any parking, Mr. McCann answered that the operating hours are 11 A.M. -10:30 P.M. Monday - Thursday 11:00 A.M. - 11:30 P.M. Friday and Saturday and 11:00 A.M. – 10:00 P.M. on Sundays.

Finally, Mr. Beals asked whether Oberer Developers gave any consideration to the connectivity for the housing facility to the north of the paths, and how people would move from the housing to the commercial areas to the south. Was there any consideration of a crossover to permit people to walk directly from the multi-family to the retail establishments. Mr. Hall pointed out the pedestrian connectivity adjacent to the multi-family with oversized sidewalks, along the public right of way down to the pond. Also, pedestrians can walk around the park, and go through the park.

Mayor Compton addressed Mr. Beal's question clarifying that, with respect to the area directly to the east going across the pond, there was never any intention of putting a bridge across that body of water to go to the back of Kroger's, Cabella's or Costco. Mr. Hall confirmed that there was never any intention to put a bridge there; however there is a pedestrian bridge going over a stream behind Cooper's Hawk.

Ms. Vogelgesang added initial decisions and discussions that took place between Centerville Staff and Oberer Developers regarding major site plans that were submitted in the Spring of 2018 have been withdrawn. There were also discussions about maintenance of the park and funds for maintenance coming from an MPA or an MPOA. Oberer Developers has agreed to put \$250,000 into a reserve escrow fund according to this agreement.

Mr. Beals asked for a clearer explanation of where the funds for the maintenance will be generated. Mr. Liberman explained the Master Business Association includes most of the properties within Cornerstone, funds that come from these properties will be applied towards walking trails, irrigation and maintenance of the park, although the amounts that will be designated have not yet been determined.

Mr. McCann – Oberer Developers – 3445 Newmark Drive, Miamisburg, Ohio, spoke, stating that regarding the Master Property Owners Association, it is the developers expectations that, as a part of the negotiations, the City will take ownership and responsibility for the maintenance of the park, and there will be a specific amount provided by the MPOA each year to help pay for the cost of the maintenance of the park. In addition, there will be a New Community Authority that will obligate certain owners of certain properties within the development to pay \$750 per acre per year, generating funds which will also be available for the maintenance of the park. It is estimated that the New Community Authority will generate a little under \$50,000 in funds per year. Mr. Beals pointed out that he does not wish to see the City taking on the burden of the maintenance costs involved in dredging ponds.

Mr. Liberman stated that the purchase agreement specifieds that a reserve will be set up with a certain amount of funds being set aside specifically for the dredging of the ponds. He also pointed out in reference to Resolution A., there is an Exhibit "B" that has not yet been finalized that refers to various properties having restrictions with regards to the use of the property.

Mr. Beals asked whether the proposed medical facility will have their name on the pylon sign at the Feedwire Road Corner entrance of Cornerstone. It was answered in the affirmative by Mr. McCanns.

Mr. Liberman added in respect to the contractual agreement, the City is agreeing to purchase 20.52 acres at a price of \$1,472,108 that is contingent upon obtaining the \$1 million grant and the balance of that price will go under what would be considered the "bargain sale" provision, meaning a donation from the seller. The main premise of this contract is should the purchase go forward the funds are coming from the Clean Ohio Funds and the rest of the funds are coming from the seller.

Mayor Compton asked for a motion to approve Item A. as it was read from the Consent Agenda. Mr. Serr sponsored Resolution 27-19, Mr. Palcher seconded the motion and it passed unanimously with a 6-0 vote.

Mr. Liberman corrected the acreage amount on Item B. to .535 acres from .50 acres as written on the original agenda. Mariah Vogelgesang reminded Council in order to apply for the Clean Ohio funds, there is a passiveness of the park that must be present. This agreement comes into place for the active part of the park that cannot be included in the Clean Ohio Grant Fund application.

Mayor Compton asked for a motion for Item B. as it was read from the Consent Agenda. Mr. Serr sponsored Resolution 28-19, Mr. Beals seconded the motion and it passed unanimously with a 6-0 vote.

Mayor Compton clarified that this is the grant application for the Clean Ohio funds submitted by the City of Centerville, and asked for a motion to approve Item C. as read from the Consent Agenda. Mr. Palcher sponsored Item C., Mrs. Rau seconded the motion and it passed unanimously with a 6-0 vote.

There being no further questions or business, Mayor Compton adjourned the special meeting at 7:35 P.M. The next regular meeting of City Council is scheduled to take place on Monday, May 6, 2019 at 7:30 P.M.

Approved: _____

Brook A. Compton
Mayor

ATTEST: _____

Carin R. Andrews
Clerk of Council