

Centerville City Council  
Work Session Meeting  
Monday, April 24, 2017

TIME: 6:30 P.M.

PLACE: Centerville Municipal Building – Law Library  
Mayor Brooks Compton  
Deputy Mayor Belinda Kenley  
Councilmembers John Beals  
Mark Engert  
John Palcher  
JoAnne Rau  
Bill Serr  
Clerk of Council Carin Andrews  
City Manager Gregory Horn  
Finance Director Jonathan Hudson  
City Planner Andrew Rodney  
Economic Development Administrator Nathan Cahall  
Public Works Director Doug Spitler  
Human Resources Manager Jennifer Wilder  
Municipal Attorney Scott Liberman

The work session meeting began at 6:40 P.M. Mr. Beals inquired about the two Ordinances passed at the March 20<sup>th</sup> Council meeting from which he was absent. Ordinance 07-17 the Ordinance named newspapers of general circulation and Ordinance 06-17 adjusted permit application fees. Mr. Horn provided an explanation for the need for these Ordinance changes.

The moratorium on the granting of any permit for allowing retail dispensaries, cultivators, or processors of medical marijuana within the city that was imposed with Resolution 59-16 at the August 29, 2016 Council meeting is due to expire on May 19, 2017. Council discussed whether to consider an extension on the moratorium or to take action on prohibition. After considering legislative limits, the fact that the rules in Ohio will not go into effect until September, and many surrounding communities are in a moratorium, Council concurred to extend the moratorium for a period of one year. The resolution will appear on the May Council meeting agenda for approval.

Tuesday, April 25<sup>th</sup> is Youth in Government Day. Council has received the packets, and members were encouraged to attend the mock Council meeting and luncheon.

At 7:00 P.M. Mr. Serr recused himself from the meeting.

Mr. Horn reported on the ongoing contacts with Spectrum regarding the 72-hour loss of service to Yankee Trace last fall resulting in a substantial loss of revenue for the City. The problem was caused by a fire in the Time Warner substation. Representatives from Spectrum

made an unacceptable settlement offer of \$1,800. The city has discontinued service with Spectrum, and the matter has been turned over to Mr. Liberman, counsel for the City.

Mr. Spittler presented information about Miami Valley Hospital South's appeal of condition #2 of the Planning Commission approval of the major site plan for a new bed tower at 2400 Miami Valley Drive in Case P-2017-0012. The condition read, "A Traffic Impact Study and financial commitments acceptable to both parties as to improvements that are required." Staff noted, with continued growth in the area, the intersection at Clyo Road and Wilmington Pike has congestion problems. The addition of the new 150,000 square foot bed tower will have an additional impact on this intersection. The City is not asking Miami Valley Hospital to fix the intersection but to see improvements as part of the hospital's responsibility. Condition #2 obligated a financial contribution from the applicant if the TIS determined such was warranted. Without this condition the City will have little to no leverage to obligate the Applicant to contribute financially to roadway improvements. The Applicant continues to object to this condition. Staff is working with MVHS to come up with a compromise before the May Council meeting and, as a good faith measure, has issued an at risk letter so site work can begin.

City Planner Andrew Rodney presented information concerning Case P-2017-006, the appeal of the decision of the Zoning Administrator denying a Certificate of Zoning Compliance for construction plans at Bethany Lutheran Village. He showed the documents submitted for the renovation and expansion of the Linden House at 6451 Far Hills Avenue approved by the Planning Commission in October, 2016 and the construction documents submitted in March 2017. After review and comparison of the approved documents and construction documents, Mr. Rodney did not see enough consistency with what was presented and approved by Planning Commission. The Zoning Administrator denied the Certificate of Zoning Compliance due to the magnitude of differences in the two plans. The appeal submitted by Mr. Jeff Van Atta will go before Planning Commission on April 24, 2017. If Planning Commission denies the appeal, the applicant will have about 24 hours to file an appeal in order for it to appear on Council's agenda for the May 15<sup>th</sup> meeting. Mr. Liberman explained the issue before Planning Commission. The Planning Commission is obligated to evaluate the question of whether the submitted final site plan documents are consistent with the approved Major Site Plan. As stated in the Unified Development Ordinance, Planning Commission must determine whether the Zoning Administrator made a correct decision in denying the certificate. Planning Commission is not in the position to negotiate. Mr. Liberman further stressed Council's responsibility will be to follow the same procedural process, if the matter gets appealed to Council. He cautioned Council about negotiating during an appeal. If a need for a change to the code is evident, then the process for changing the code must be followed. Any deviation from the normal process as set out by the UDO might set precedence for future applications.

At 8:25 P.M., Mrs. Kenley made a motion to move into Executive Session for the purpose of economic development to consider confidential information related to marketing plans, specific business strategy, personal financial statements of an application for economic assistance or requests for economic assistance, and Mr. Engert seconded the motion. The motion passed by a roll call vote with a 6-0 vote. After no official business was conducted, at 9:05 P.M. Mrs. Rau made a motion to move out of Executive Session and Mr. Engert seconded the motion. The motion passed 6-0.

The Final Development Plan for Cornerstone Phase IV coming before Council at the May 15<sup>th</sup> meeting was discussed. Council went over a memorandum from Mr. George Oberer to the Mayor; the memorandum reiterated (as previously discussed at the March 22, 2017 work session meeting) the requested removal of a number of conditions listed on the approval of the final development plan by the Planning Commission. Mr. Horn lead discussion of the redacted purchase agreements for three existing parcels in Cornerstone IV, paying particular attention to conditions, expiration dates and financial issues. Mr. Rodney added, to date, no revised major site plan had been submitted for the park in Cornerstone IV for Planning Commission review.

Mr. Hudson apprised Council that he had been informed by the Greene County Auditor that the developer for Cornerstone filed for reevaluation for the "mother parcel," and he further explained how this would have future impact on the Tax Increment Financing. The developer is appealing the 2016 valuations of the property. The 82 acres north of the creek within the development have a current valuation of \$4.1 million. The developer is requesting that it be cut down to \$1 million. He also stated that a request for payment of tax increment financing to the Greene County Auditor for tax years 2014 and 2015 cannot be done until an official determination of tax exemption is received. According to staff, Mr. Bob McCann, CFO for the developer, has communicated that these valuation changes will not have an effect on the TIF; however, staff disagrees with his interpretation.

Mayor Compton stepped out of the meeting briefly.

Mayor Compton returned to the meeting and reported that he had spoken with Mr. McCann, the developer's Chief Financial Officer. Mr. McCann will be providing further information to Council regarding the changing valuations and impact it will have on the TIF.

Continuing the discussion about Cornerstone IV, Mr. Horn added, although Mr. Hollis, from the Ohio Department of Taxation has assured both Mr. Horn and the Mayor that the letter of determination will be received soon, no letter had been received to date. Other outstanding issues to be discussed at a later work session include the debt issuance for Cornerstone IV, the current amount of debt issued to Cornerstone Developers, and outstanding issues on Brown Road. The northwest corner parcel with the proposed "Happy Meadows" would not be subject to a TIF.

Mr. Hudson announced the remaining balance for the debt at Yankee Trace will be paid with the principal payment in November.

The meeting was adjourned at 10:25 P.M.

  
Carin R. Andrews

Approved:   
Brooks A. Compton, Mayor