

BERLIN TOWNSHIP TRUSTEES

7:00 p.m. Trustee Meeting November 25, 19

HELD AT: Berlin Township House, 3271 Cheshire Rd., Delaware, OH

CALL TO ORDER: Ken O'Brien, Trustee Chairman

PLEDGE OF ALLEGIANCE: Ken O'Brien led the Pledge of Allegiance

ROLL CALL: Ken O'Brien, Tom D'Amico, Ron Bullard and Theresa Taylor, Assistant Fiscal Officer

ATTENDANCE: Rick Gemienhardt, Christine Littleton, Megan Rahill, James Brenza, George McCabe, Craig Hall, Joe Pichert, and Chris Paykoff

PUBLIC COMMENT: O'Brien asked if there were any public comments. Christina Littleton asked if the trustees could elaborate on the reasons why we need the cloud zoning other than for reason of annexation.

Megan Rahill talked about an analysis done by The Montrose Group, LLC specifically done for Berlin Township that compared residential, light industrial, and multi-family homes. She also stated that all the revisions for zoning are coming up under the revised code 519.021C which will take away all the residents right to referendum. If it is done under 519.01A residents would still have options open.

The Montrose Group, LLC Memo

To: Bob Lamb, Director of Development, Delaware County
 From: Nate Green, Partner, Director, Economic Development
 Date: October 23, 2019
 Berlin Business Park Property Tax, Tax Increment Financing District, Tax Abatement Analysis

Background

The Berlin Business Park has the potential to bring significant capital investment, new jobs, infrastructure and new property taxes to Berlin Township and Delaware County over the next several decades. We performed an analysis of the various uses (single-family, multi family, light industrial and multi-family) on a 1,150 acre site and the property taxes that could be generated, the Tax Increment Financing District revenues that could be generated, and the cost to the schools of single family and multi-family housing on the site. The analysis was performed to compare 1,150 acres of single-family homes versus 1,150 acres of a mix of light industrial, commercial and multi-family housing.

Assumptions

1. Single family housing.

Assumptions	
Acreage	1,150.00
Houses per acre	2.6
Total Homes	2,990.00
Home value, 2019 median home sale, realtor .com	\$327,000.00
Homes sold per year (10yrs.)	299.00
New Students (1.8/home)	5,382.00
Annual Cost of Each Student	\$11,000.00

2. Light industrial.

Assumptions	
Acreage	518.00
Total Square Feet of Buildings	5,175,000.00
square Feet Built Per Year (15 Yrs.)	345,000.00
Per Square Foot Market Value	\$30

Commercial.

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Assumptions	
Acreage	488.00
Total Square Feet of Buildings	7,320,000.00
Square Feet Built Per Year 10 Yrs.	732,000.00
Per Square Foot Market Value	\$90

Multi-family housing.

Assumptions	
Acreage	150.00
Total Units	1,500.00
Units Per Year (5 Years)	300.00
Unit Value	\$ 85,000

The Montrose Group, LLC

Analysis

Using the above assumptions, an analysis was performed to determine the total tax revenues that would be gained from each use, the revenues that the school district would gain from each use. Additionally, the analysis shows the TIF revenues generated through the light industrial and commercial uses, and the cost to the school district of educating students in the single-family housing units and multi-family housing units. This analysis was performed for a 35-year period. It was assumed that values of the various uses would not rise nor fall through this 35-year period but would remain constant.

\$ 610,525,410.50		
\$457,894,057.87	\$1,261,260,000.00	

Light Industrial TIF Projections		
Total Tax Revenues	TIF Infrastructure Revenues	School District Revenues
\$ 113,173,058.25	\$42,439,896.84	\$36,152,504.72
Commercial TIF Projections		
Total Tax Revenues	TIF Infrastructure Revenues	School District Revenues
\$435,780,059.40	\$180,092,779.65	\$120,061,853.10

Multi-Family TIF Protections			
Total Tax Revenues	TIF Infrastructure Revenues	School District Revenues	Cost to Educate New Students
\$75,732,195.00	\$51,635,587.50	\$22,375,421.25	<u>\$138,600,000.00</u>

The single-family homes generate the most in new tax revenue, however the cost to educate the students in those homes is three times as much as the tax revenue gained. As shown above, the Olentangy School District will incur \$126B in costs and will collect only \$457M over a 35 year period. This will result in approximately \$800M loss to the School District over 35 years. After factoring in the State's payment back to the School District for each student the District will still face approximately \$680M in uncovered costs.

The mix of light industrial, commercial and multi-family pays for the needed infrastructure on the site (approximately \$275M over 35 years), allows the school district to realize more revenue than what it costs to educate the students in the multifamily units (gain of \$22M over 35 years), and provides for property tax abatement to attract both industrial and commercial uses (CRA is factored into these numbers) and provide for jobs to the residents of Delaware County, and income tax to Berlin Township through a Joint Economic Development District.

Rick Gemienhardt read the following:

Points of clarity-2,000 acre "cloud" district
By Rick A. Gemienhardt 881 Africa Road Galena, OH 43021 11.25.19

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1. As of this date only trustee D'Amico has presented Assistant Prosecutor and Ohio Ethics confirmation as having no conflict of interest and is permitted to vote on the "cloud" district.
2. Trustee O'Brien noted at 10.28.19 trustee meeting he will NOT be voting on either "cloud" district rezoning case.
3. Trustee Bullard indicated at 10.28.19 trustee meeting he would look into the policy making decision as to why the "cloud" district is being presented as west and east.
4. Trustee Bullard at 10.28.19 trustee meeting confirmed the township would get "very little revenue" without a JEDD district. He did, however, fail to acknowledge it could require an election ballot vote for this to occur and it could be subject to referendum.
5. Trustee O'Brien at the 10.28.19 trustee meeting commented, without documented support, he was in favor of the cloud because the township can require land owners to "do things" that they cannot require it if they came in for a rezoning. Clearly this is incorrect as typical rezoning requests must adhere to permitted use, prohibited use, development criteria and development plan content standards at a minimum for each rezoning district.
6. With the passage of this cloud district, all referendum rights on any land use change within the 2,000 will be prohibited.
7. To date, The Comprehensive Land Use Plan and its underlying principles and support have been ignored as an alternative/compromise.

James Brenza stated that when the process of using the cloud came about, residents were told that the township runs on a deficit and something needed to be done to raise money for the bleeding cash. He stated that in 2018 in the general fund there was a surplus of 6.2% and overall in the general fund there was a surplus of 22% from the budget. In 2019 YTD there was a surplus of 9.95% in the general fund and in the overall general fund there was a surplus of 24.3%. He questioned why Bullard was calling property owners trying to sell them on the value of the cloud, before the trustees officially have it, when O'Brien had stated in a previous meeting the trustees are not allowed to see it until it arrives from zoning. He questioned why residents are being told tax revenue is needed to fund the development and are then being told by the county that the developer will pay for everything. He stated that he would like more honesty and transparency from the trustees as he feels as if the township is just "dancing to the county's dance".

O'Brien opened up the discussion to the floor. Bullard commented that in regards to the funding for the township and tax revenue there are long-term projects that will also need to be considered since they are not included in the year to year budget. O'Brien stated that he felt that Mr. Gemienhardt's statement had some inaccuracies. O'Brien did not state that he would be recusing himself from both cloud zoning amendments. O'Brien stated the purpose of the cloud in his opinion is to have continuity, if it is in the cloud, then it can be required that architectural standards are met. O'Brien stated he would like architectural standards put forth before the cloud is adopted so that everyone may see what it looks like. After a lengthy discussion, concerning annexation and service agreements O'Brien stated he feels the board will consider compromise when it comes to figuring out the cloud.

Approval of Minutes-

**RESOLUTION APPROVE THE 11/4/19 SPECIAL MEETING MINUTES
19-11-15 AND DISPENSE WITH THE READING**

Motion: Bullard
 Second: D'Amico
 Vote: O'Brien yes, D'Amico yes and Bullard yes

**RESOLUTION APPROVE THE 11/12/19 REGULAR MEETING MINUTES
19-11-16 AND DISPENSE WITH THE READING**

Motion: Bullard
 Second: D'Amico

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Vote: O'Brien yes, D'Amico yes and Bullard yes

Old Business –

Fairview Cemetery – The judge asked the receiver to show that the second lot was land locked. The receiver filed a document he wrote himself without documentation. Our attorney said what was filed was inaccurate and does not have the documentation and he will be filing with the judge. O'Brien asked if we got anything from Ballard on an alternate bid package for mowing. D'Amico will check on it. Bullard asked if there was any approximation of this being concluded. O'Brien stated that once the 5th district court of appeals has heard the case they can decide the outcome whenever they want.

The Cloud – O'Brien stated that the plan would not come to the township until 30 days after the BZC has finished approval to include approving the minutes. D'Amico said that Bob Lamb had called him to discuss the cloud and D'Amico had told him he did not feel comfortable talking about it without the other trustees. O'Brien suggested that once the plan comes to the township, we have Lamb come to the meeting. O'Brien stated that we may have to pay to get architectural standards. Bullard commented he has asked if we have to have an architectural review board before we enact the zoning and was told no. O'Brien asked Bullard if we can limit the architectural review board specific to the cloud, Bullard said yes. James Brenza asked if there was a certain amount of time the board will have to take action once the township receives the plan from zoning. O'Brien said that they have to hear it within 30 days once it is transferred to the township. There is no time limit of the hearing and after the hearing has concluded the trustees have 20 days to make a decision.

Permissive Tax – Bullard talked with the prosecutor and was told verbally that the county has enacted two permissive taxes which are \$10 per license plate and the township has enacted one permissive tax which is \$5 and the township is allowed to enact another \$5. The state law is a maximum of \$20 per plate. O'Brien asked for Bullard's recommendation. Bullard recommended that the township add another \$5 before someone else does. This would help to prevent having to ask for a road tax from the residents at a later date. O'Brien asked if it would have to be noticed before it could be enacted. O'Brien will find out. Bullard stated it needs to be done by the end of the year so that it may go into effect the middle of 2020.

No Parking Signs by Cheshire Elementary – D'Amico will follow up.

Fiscal Officer Items-

Inventory Sheets- Have been distributed, need back by 12/23/19.

OTA Conference- Need to know who is going before 1/13/20. Bullard said he was going along with, Brodi Erwin and Dave Loveless. D'Amico will let Smith know by next meeting.

Liquor Permit Renewal- No objections.

Cemetery-

Mowing Contract- Bullard stated that he does not have any feedback from the prosecutor. Bullard will do his best to find out by the next meeting.

Fire Department –

**Requisitions-
RESOLUTION
19-11-17**

**APPROVE REQUISITION #2019-16 TO EMBROIDERY
WAREHOUSE FOR \$9,150 FOR JACKETS**

Motion: O'Brien

Second: Bullard

Vote: D'Amico yes, Bullard yes and O'Brien yes

**RESOLUTION
19-11-18**

**APPROVE REQUISITION #2019-18 TO KOBLE CONSTRUCTION
SERVICES, INC FOR \$5,400 FOR REPAIR OF DOOR FRAME AND
AREA AROUND DOOR AT THE FIRE HOUSE**

Motion: O'Brien

Second: Bullard

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Vote: D’Amico yes, Bullard yes & O’Brien yes

RESOLUTION 19-11-19 APPROVE REQUISITION #2019-17 TO ZOLL MEDICAL CORPORATION FOR \$10,154.16 TO REPLACE 3 AEDS CARRIED ON FIRE DEPARTMENT VEHICLES

Motion: O’Brien
Second: Bullard
Vote: Bullard yes, O’Brien yes and D’Amico yes

Step Increase for Capt. Brown- Joe Pichert stated Captain Brown’s hire date was November 6, 2017 and is now eligible for a step 3 increase. Pichert and Captain Hall recommend he be moved to a step 3 increase. O’Brien stated that since the firefighters are going into collect bargaining, he feels it would be subject to the collective bargaining and needs to contact the attorney from Fishel Downey Albreict & Riepenhoff. Pichert will contact Claudia Smith for the hiring resolution.

Road Department- In regards to snow plowing D’Amico said to keep Mike Hubbard on the payroll and the township needs to hire someone else. D’Amico will have the road superintendent give a recommendation. D’Amico asked about which roads the township will be posting. O’Brien and Bullard said Curve Rd. would be the only one.

Trustee Items- O’Brien asked if money was needed for architectural design standards and where we should try to get it from. Fiscal Officer was asked to get information. Bullard stated if it is put in the cloud, we should have them support the cloud. Bullard stated that an architectural standards review board may need to be created.

RESOLUTION 19-11-20 AUTHORIZE CHAIRMEN O’BRIEN TO NEGOTIATE BUT NOT FINALIZE WITH LIBERTY TOWNSHIP IN MATTERS OF GRIEF PARK, CONNOR LN, CEMETERY AND ALL OTHER MATTERS RELATED TO THE TOWNSHIP, AUTHORIZATION TO EXPIRE DECEMBER 31, 2019

Motion: D’Amico
Second: Bullard
Vote: Bullard yes, O’Brien yes and D’Amico yes

Zoning Department – Bullard provided Dave Loveless a set of instructions as to how to handle zoning violations. Bullard stated there were approximately 120 house permits sold for the Year 2019. O’Brien questioned the community mailboxes being put in for the new housing developments. Bullard will ask about getting zoning codes for community mailboxes.

Future Meetings -

- 12/09/19 Trustee Meeting
- 12/23/19 End of Year and 2020 Organizational Meeting

Late Items – Bullard stated a resident in Piatt Meadows sent an email with a concern that a curb was cut for an ADA ramp and was not done. Bullard will look into it. He also received an email regarding a telephone pole on Piatt Rd and Peachblow that was hit and has caution tape around it, asking when it is going to be fixed. O’Brien said we need to find out whose right of way it is in, to know who needs to fix it. Bullard will follow up.

RESOLUTION 19-11-21 RECESS TO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION REGARDING TERMINATION, DEMOTION, DISCIPLINE AND COMPENSATION OF A PUBLIC EMPLOYEE- THREE TRUSTEES, ASSISTANT FISCAL OFFICER, FIRE CHIEF, AND ASSISTANT FIRE CHIEF TO ATTEND- 9:17 PM

Motion: O’Brien
Second: Bullard
Vote: O’Brien yes, D’Amico yes and Bullard yes

RESOLUTION 19-11-22 MOTION TO RETURN TO REGULAR SESSION 9:42 PM

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Motion: O'Brien
Second: Bullard
Vote: O'Brien yes, D'Amico yes and Bullard yes

O'Brien "We met in executive session and no decisions were made and no actions were taken".

RESOLUTION 19-11-23 MOVE TO TERMINATE GUY HATFIELD FROM FIRE DEPARTMENT EFFECTIVE NOVEMBER 25, 2019

Motion: O'Brien
Second: Bullard
Vote: D'Amico yes, Bullard yes & O'Brien yes

RESOLUTION 19-11-24 MOTION TO ADJOURN

Motion: Bullard
Second: D'Amico
Vote: D'Amico yes, Bullard yes and O'Brien yes

Meeting adjourned by Chairman O'Brien at 9:44 P.M.

Ken O'Brien, Trustee

ATTEST: _____
Tom D'Amico, Trustee

Theresa Taylor, Assistant Fiscal Officer

Ron Bullard, Trustee