

The Council of the City of Centerville, County of Montgomery, State of Ohio, met in Special Session on Monday, March 2, 2015, at 7:30 P.M. in the Council Chambers of the Centerville Municipal Building, because of the cancelation of the meeting on February 16, 2015 due to inclement weather. The Meeting was opened with an Invocation and the Pledge of Allegiance with Deputy-Mayor Compton presiding. Council Members and City Staff were present as follows:

Council Members John Beals
 Paul Gresham
 Belinda Kenley
 JoAnne Rau

Clerk of Council Debra James
City Manager Gregory Horn
Finance Director Steven Hinshaw
City Planner Andrew Rodney
Public Works Director Doug Spitler
Assistant to the City Manager Jennifer Wilder
Assistant to the City Manager Kristen Gopman
Community Resources Coordinator Maureen Russell Hodgson
Municipal Attorney Scott Liberman

The minutes of the following meetings had been distributed prior to this meeting:

Council Meeting - January 26, 2015.

Work Session Meetings – January 26, 2015.
 February 02, 2015.
 February 09, 2015.

Dr. Gresham made a motion to excuse Mayor Kingseed and Mr. Palcher. Mr. Beals seconded the motion. The motion passed 5-0.

Mr. Beals made a motion for approval of the minutes. Mrs. Rau seconded the motion. The motion to approve the minutes passed unanimously.

Under Communications, Mrs. James explained the appointment of Arlene Tansey, who was returning to the City Beautiful Commission. Mr. Beals made a motion to appoint Arlene Tansey to the City Beautiful Commission for a term of three years. Dr. Gresham seconded the motion. The motion passed 5-0.

Deputy-Mayor Compton welcomed Chris Hoffman, Education Specialist, for an update from Montgomery County Environmental Services. He gave a presentation on what they are doing at the Solid Waste District.

Deputy-Mayor Compton administered the oath of office to Ms. Arlene Tansey as a member of the City Beautiful Commission for a term of three years. He welcomed her back to the City Beautiful Commission and thanked her for volunteering.

In the Mayor's Report, Mr. Compton shared the following:

- On February 14 he attended the Blue Star Mothers' grand opening in the Reis Legacy Center at 6661 Clyo Road. The organization provides support to our troops and veterans. Mr. Compton welcomed the Blue Star Mothers to our community.
- Mr. Compton and Ms. Kenley thanked the Arts Commission, Ms. Gopman and Mr. Palcher for making Art at the Trace such a stellar event.
- He noted that, on February 19, 2015, the Sugarcreek Township Trustees passed a Resolution rescinding the establishment of a Fire District that limited Fire and EMS service to certain portions of Sugarcreek Township. The Court-ordered mediation is now complete and was not successful.

The City of Centerville would like to refute the untruth that the City and Developer do not want to pay for fire service. On February 20, 2015, the Trustees walked away from an agreement that had been worked out last year between the City, the schools and the developer that provided the Sugarcreek Township Fire Department with revenue which would exceed the expense of providing service to the new Cornerstone Development over the 30-year period. The significant revenue provided by the agreement would directly benefit EMS and Fire Services for all residents and businesses of Sugarcreek Township. We hope the Sugarcreek Township Trustees will reconsider the decision.

In the City Manager's Report, Mr. Horn noted the following:

- Art at the Trace was an outstanding event.
- The Friday Night Fish Fry is held at Yankee Trace during the winter months from 5-9 p.m. through April 3.
- He thanked the Public Works employees for their efforts during the recent winter storms. He mentioned that Dayton Daily News is doing an article on mailboxes which sometimes are casualties from snowplows, especially with heavy snows. We generally have about a dozen calls about damaged mailboxes per year. The Public Works Department follows-up on those calls.
- Recently on the City's Facebook site someone had commented that they were shocked by the number of trees that had disappeared from the 65 acres of Stubbs Park. Removal of these trees was done for safety reasons. The City has been hit hard by the Emerald Ash Borer; the Stubbs Park inventory showed 1600-1700 ash trees. Approximately half of them already have been removed. As the crews are able, they will begin to reforest with plantings of different species.
- We have the same situation at Yankee Trace with several hundred ash trees. Our crews have done an outstanding job cutting infected trees, but we will probably have another 2-3 years of work at Yankee Trace.

PUBLIC HEARING: FINAL DEVELOPMENT PLAN PHASE II
CORNERSTONE NORTH
APPLICATION P-2014-0039

Council tabled the Phase II Final Development for Cornerstone North at the January 12, 2015 Special Meeting, because the Traffic Impact Study was not ready. Dr. Gresham made a motion to remove the Final Development Plan Phase II from the table. Mr. Beals seconded the motion. The motion passed with five ayes.

Mr. Rodney reported that the traffic impact study for the entire Cornerstone area had not been reviewed and accepted as of this date, so staff and the applicant recommended Council retable this item until the March 16, 2015 Council Meeting.

Dr. Gresham made a motion to table the Final Development Plan Phase II until the Council Meeting on March 16, 2015. Mr. Beals seconded the motion. The motion passed with five ayes.

RECORD PLAN: CORNERSTONE SECTION FOUR FOR SHOPPES I
5299 CORNESTONE NORTH BOULEVARD
APPLICATION P-2014-0038

Mrs. Rau made a motion to remove the record plan from the table for consideration. Mrs. Kenley seconded the motion. The motion passed 5-0.

Mr. Rodney reported that the City and Cornerstone Developers had come to an agreement concerning the right-of-way issue that had delayed the approval of a record plat for Cornerstone Section Four for the Shoppes I at 5299 Cornerstone North Boulevard. Mr. Rodney briefly reviewed the plat with right-of-way for three frontages and a cross access easement for the lot to the north. The record plan created a single lot of 1.98 acres, located at the northeast corner of Wilmington Pike and Dille Drive. At its meeting on December 9, 2014, Planning Commission recommended approval of the plat with the condition that the right-of-way issue along Wilmington Pike be resolved prior to approval by City Council.

Mr. Compton opened the Public Hearing and no one came forward.

Mr. Beals made a motion for approval of the record plan for Cornerstone Section Four at 5299 Cornerstone North Boulevard. Mrs. Kenley seconded the motion. The motion passed 5-0.

PUBLIC HEARING: CONDITIONAL USE APPLICATION FOR DRIVE UP WINDOWS
AND LANES AT KROGER, 5400 CORNERSTONE NORTH BOULEVARD
APPLICATION P-2015-0006

Mr. Rodney gave the staff report for the Conditional Use Application submitted by Angela Smith of Kroger Limited Partnership I. He noted a Conditional Use Approval was required for drive-thru windows, except for a restaurant, in a B-PD zoning district. Kroger, 5400 Cornerstone North Boulevard in Phase II of the Cornerstone Development, proposed to locate

drive-thru lanes for pharmacy and banking along the east façade of the building. Additionally, an experimental online grocery ordering facility would be located along the west façade. A Conditional Use approval would cover both of these proposed uses. He located the site on a zoning map, an aerial view, and site plan, before stating that all of the Standards for Approval could be met.

Planning Staff contended the use was harmonious and appropriate for the proposed location. The area was dominated by large-format retail uses that would be minimally impacted by a drive-thru use in proximity. Adequate screening and traffic circulation would be provided. He noted, on January 27, 2015, the Planning Commission recommended approval of Application P-2015-0006, the Kroger Conditional Use request, without conditions.

Mr. Compton opened the Public Hearing:

Angela Smith, with Kroger Limited Partnership I, stated that she was here to answer questions about operations or the drive-thru lanes. She shared that on-line shopping was being tested at a store in Liberty Township and was very successful before explaining how the drive-thru lanes would work with the on-line shopping and the stacking capacity for the pharmacy and banking drive-thru lanes.

Mrs. Rau made a motion to approve the conditional use application submitted by Angela Smith of Kroger Limited Partnership I for drive-thru lanes in a B-PD zoning district. Mr. Beals seconded the motion. The motion passed 5-0.

RECORD PLAT FOR CORNERSTONE SECTION ONE, LOT 1A
5301 CORNERSTONE NORTH BOULEVARD
APPLICATION P-2015-0004: CHICK-FIL-A

Mr. Compton recused himself from the meeting due to a conflict of interest. He handed the gavel over to Dr. Gresham to chair this portion of the meeting.

Mr. Rodney presented the background information for this record plan that would split Section One to create a new parcel for the proposed Chick-Fil-A at 5301 Cornerstone North Boulevard. The new lot (Lot 1C) would be 1.548 acres with 4.039 acres (Lot 1A) remaining at this time. The zoning is Business Planned Development and the location is the southeast corner of Wilmington Pike and Dille Drive. The proposed plat dedicated public right-of-way at the northwest corner of Lot 1C and a 25' cross-access easement with the adjoining lot allowing interconnectivity between the sites and improving traffic circulation on Cornerstone North Boulevard. Mr. Rodney stated that the Planning Commission recommended approval without conditions at its meeting on January 27, 2015.

Mr. Beals inquired about the existing tree preservation area and asked if it was still valid. Mr. Rodney answered in the affirmative and stated it is part of the original plat and will remain as such.

Mr. Beals made a motion to approve the record plan for Application P-2015-0004. Mrs. Rau seconded the motion. The motion passed 5-0.

Dr. Gresham handed the gavel back to Deputy Mayor Compton.

Mrs. Rau announced that the Centerville City Beautiful Commission was hosting Joe Boggs from Ohio State University as the speaker at its annual seminar. *What is Eating Your Trees* will be presented at the Centerville High School Theater on Saturday, March 14, at 10:00 a.m.

Mrs. Kenley reported that she was a new member of the Board of Trustees of the Ohio Municipal League. Discussion at a recent meeting pointed out that state funding cuts to local governments were occurring all over the country. She pointed out State Representative Jim Butler, and State Senator Peggy Lehner both voted against House Bill 5, a municipal income tax bill that reduced income tax revenue for our City. I would like to publicly thank them and ask people to acknowledge their efforts in an email or a short note. She also noted that the OML is hosting a Legislative Reception at the State House on March 18, 2015 at 6:00 p.m.

Dr. Gresham stated he represented the City for the ribbon cutting for SpringCreek Fertility Center at the corner of Alex-Bell and Clys Roads. A fertility specialist moved his practice to this beautiful new building.

Deputy Mayor Compton explained that the Consent Agenda contains routine procedural and administrative matters which the Council had discussed in Work Sessions. Members of Council read the following Consent Agenda items into the record:

- A. Ordinance Number 02-15, An Ordinance Amending Ordinance Number 14-08, Chapter 1216, The Unified Development Ordinance, As Amended, To Rezone 6.0020 Acres Of Land, More Or Less, Located At 716 E. Franklin Street, From I-PD, Industrial Planned Development Zone Classification, To O-S, Office-Service Zone Classification, be set for Public Hearing April 20, 2015.
- B. Ordinance Number 35-14, An Ordinance Amending Ordinance 14-08, Chapter 1216 Of The Centerville Municipal Code, The Unified Development Ordinance For The City Of Centerville, Ohio, To Amend Section 9.33 Parking Fee-In-Lieu, be set for Public Hearing May 18, 2015.
- C. Resolution Number 08-15, A Resolution Accepting The Bids Submitted By Green Velvet Sod Farms, John Deere Landscapes And Helena Chemicals For Fertilizer For The Golf Club At Yankee Trace And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- D. Resolution Number 09-15, A Resolution Accepting The Bids Submitted By Green Velvet Sod Farms, John Deere Landscapes, Helena Chemicals And Harrell's LLC, For Chemicals For The Golf Club At Yankee Trace And Authorizing The City Manager To Enter Into Contracts In Connection Therewith.
- E. Resolution Number 10-15, A Resolution Accepting The Bid Submitted By GSP Networks, Inc. Of Marysville, Ohio, For The Bigger Road Fiber Optic Cable

Placement Project–2015, In The City Of Centerville And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.

- F. Resolution Number 11-15, A Resolution Declaring Specific Property No Longer Utilized By The City Of Centerville As Surplus Property And Authorizing The City Manager To Dispose Of Said Surplus Property In Accordance With The Guidelines Stated Herein.
- G. Resolution Number 12-15, A Resolution Authorizing The City Manager, On Behalf Of The City Of Centerville, To Enter Into An Intergovernmental Agreement For Temporary Building Services With Montgomery County, Ohio.

Mr. Beals asked staff to clarify Item “A.” Mr. Rodney explained that the 66-acre property to be rezoned is directly east of the High School, in an area formerly known as the Thomas Farm. The rezoning to Office-Services is for about six acres on the northern edge of the property adjacent to East Franklin Street. Miami Valley Hospital Premier Health Partners will retain ownership of that six acre parcel and the bulk will remain zoned Industrial Planned Development and eventually transferred to the Centerville Schools. Mr. Beals asked if Premier would allow an entry street through that six acres – Mr. Rodney answered that a cross access is part of the plat.

Mrs. Rau sponsored the Consent Agenda items and moved for their approval. Dr. Gresham seconded the motion for the Consent Agenda. The motion passed unanimously.

Under Citizens Comments and Petitions, Mr. Jack Kindler, 9719 Greenside Court, a resident of Yankee Trace and a representative of the Yankee Trace Community Association spoke to correct information in an article in the newspaper relative to The Grove development. The township objected to that being a connector street from Yankee Trace Drive to Paragon Road. The article indicated there was no objection by the Yankee Trace community relative to that street being a connector thoroughfare, but that was incorrect. Mr. Kindler was on record with the Planning Commission and the Council objecting to having complete access to Yankee Trace Drive; only emergency access was desired by the Homeowners Association.

Mr. Kindler also complimented and thanked the Public Works crews for the wonderful, amazing job they had done with snowplowing.

PUBLIC HEARING: EMERGENCY ORDINANCE TO APPROPRIATE REAL
PROPERTY FOR RIGHT-OF-WAY AND TEMPORARY EASEMENT AT
5770 WILMINGTON PIKE

Mr. Scott Liberman, Municipal Attorney, explained the need for this legislation to appropriate property at the Cracker Barrel Restaurant for widening Wilmington Pike from Wilmington Pike southward.

Mr. Beals sponsored Ordinance Number 03-15, An Emergency Ordinance By The Council Of The City Of Centerville, Montgomery County, State Of Ohio To Appropriate All Right Title And Interest In A Certain Parcel Of Real Property Located At 5770 Wilmington Pike, Centerville, Ohio For The Widening Of Wilmington Pike From Existing Wilmington Pike And

Feedwire Road Intersection To South For The Purpose Of Public Right-Of-Way And Temporary Construction Easement Purposes; And Declaring An Emergency and moved that it be passed. Mrs. Kenley seconded the motion. The motion passed with five ayes.

There being no further business, the meeting was adjourned. The next meeting of the Centerville City Council was scheduled for March 16, 2015.

Approved: *Brook A Compton*
Mayor

ATTEST: *Debra A. James*
Clerk of Council