

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, March 16, 2015, at 7:30 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Pastor Tony Miltenberger of Centerville United Methodist Church and the Pledge of Allegiance with Mayor Kingseed presiding. Council Members and City Staff were present as follows:

Deputy Mayor Brooks Compton
Council Members John Beals
Paul Gresham
Belinda Kenley
John Palcher
JoAnne Rau

Clerk of Council Debra James
City Manager Gregory Horn
Police Chief Bruce Robertson
Finance Director Steven Hinshaw
City Planner Andrew Rodney
Public Works Director Douglas Spitler
Assistant to the City Manager Jennifer Wilder
Assistant to the City Manager Kristen Gopman
Economic Development Administrator Nathan Cahall
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 - March 2, 2015.
Work Session Meetings – March 2, 2015.
March 9, 2015.

Mr. Palcher made a motion to approve the minutes as distributed. Mr. Beals seconded the motion. The motion to approve the minutes passed unanimously.

After confirming with Mrs. James that there were no official communications, Mayor Kingseed welcomed two graduates of Centerville High School who played on the National Championship football team for the Ohio State University—Michael Bennett and Evan Lisle. The Mayor pointed out the longstanding relationship between the Centerville Elks and Ohio State because of players such as Kirk Herbstreet, Michael Nugent, and A.J. Hawk. He noted the young men had demonstrated leadership abilities and good citizenship while acting in positive and honorable ways. He invited Mr. Bennett and Mr. Lisle to the front to be honored with certificates of congratulations.

Next, Mayor Kingseed presented a certificate of congratulations to Kyly Borton who recently earned the Girl Scout Gold Award, an accomplishment comparable to the Eagle Award for Boy Scouts. As her project, Ms. Borton formed “KIDS2KIDS,” collecting used school uniforms and making them available to students who were not able to afford them. She also gave talks on self-esteem.

Mayor Kingseed presented certificates of congratulations to five Eagle Scouts—Colton Batner, David Lopez, Nicholas Mulay, Nathan Phillips and Grant Williamson. Alex O’Neil also earned the Eagle Award but was not able to attend. Mayor Kingseed read the certificates individually, extended congratulations to them and recognized their families.

Chief of Police Bruce Robertson commended and congratulated Officer Jared Rhoten who soon will receive the *John Kalamán Employee of the Year Award* from the Centerville Noon Optimist Club. The award was named after John P. Kalamán who was killed while investigating a traffic crash on I-675 in January of 1998. Chief Robertson read the nomination and summarized Officer Rhoten’s accomplishments. In 2013, Officer Rhoten was awarded the Department’s Lifesaving Award for his quick actions in rendering medical aid, and in 2014 he was deployed with his unit as part of Operation United Assistance in Africa to fight the Ebola outbreak.

Chief Robertson introduced two new dispatchers, Lori Robbins and Beth Schneider. A third dispatcher, Nicole Reed, was not able to attend. The women serve as Records Communications Specialists and are an important part of Centerville’s ability to add dispatch services for the City of West Carrollton. The Chief also thanked Lindsey Slack, Cathy Coleman, Todd Reardon and Carol Sammon who have been working diligently toward a successful transition.

In the Mayor’s Report, Mayor Kingseed highlighted the following:

- He announced the Mayor’s Business Breakfast would be held on Wednesday, March 18, 2015 at 7:30 a.m. at the Golf Club at Yankee Trace.
- Arbor Day was scheduled for Wednesday, April 15, 2015, at 10:00 a.m. at Iron Gate Park Drive, Robert O’Toole Way and Maple Avenue.

In the City Manager’s Report, Mr. Horn reported the following:

- Spring has arrived, because the Golf Superintendent informed him that groundskeepers had mowed greens for the first time this year at Yankee Trace.
- He announced that John Sliemers, who had been with the Engineering Department for eight years, was leaving for another position with a nearby community. He thanked him for his important contributions to the City of Centerville.

Ms. Gopman outlined property maintenance code violations and resolutions for the months of January and February, as well as the community calendar for the months of March and April.

PUBLIC HEARING: FINAL DEVELOPMENT PLAN PHASE 2
CORNERSTONE NORTH
APPLICATION P-2014-0039

Council had tabled the Phase 2 Final Development Plan for Cornerstone North at the March 2, 2015 Special Meeting, because the traffic impact study for the entire Cornerstone development had not been reviewed and accepted as of that date. Mr. Compton made a motion to

remove the Final Development Plan Phase 2 from the table. Dr. Gresham seconded the motion. The motion passed with seven ayes.

Noting that the City had received the Traffic Impact Study in the interim, Mr. Rodney gave the staff presentation for the Final Development Plan, Phase 2. Showing an aerial view, he described the 23 acres of Phase 2 in the southeast quadrant of Cornerstone North. The plan included building pads for two large format commercial users, grading, utility setup and the placement of public roadways. He discussed the elevations, the retaining wall, the landscaping, the screening and the requirement for four-sided architecture. Mr. Rodney used a map to show the lot layouts, the cross access easement, the landscape islands and the configuration of Clinger Lane and Cornerstone North Boulevard. Both Clinger Lane and Cornerstone North Boulevard would be constructed to public roadway standards.

Mr. Rodney gave a brief synopsis of the Planning Commission meeting where this Final Development Plan was reviewed. To some extent, Planning Commission addressed concerns about the effects of the commercial areas on the residential areas to the north with the review of the major site plans for Kroger and Cabela's. Requirements included significant landscaping, screening of the loading docks and four-sided architecture. The major site plans, along with the Final Development Plan, required right-of-way widths, mounding and buffering along Feedwire Road and the eastern boundary of the property to be consistent with the requirements of Phase 1A. At Planning Commission, Staff recommended approval of the Final Development Plan for Phase 2 with fifteen conditions. The members added a sixteenth condition to ensure fire services and EMS coverage. The Applicant had voiced concerns about Condition #5 with regards to construction access being determined by the Public Works Department and about Condition #14 requiring decorative treatment of the concrete at the intersection of Clinger and Cornerstone North Boulevard. Saying Council could make specific determinations on those conditions, the Planning Commission voted 6-0 to recommend approval with the following 16 conditions:

1. The Cornerstone North Phase 2 Final Development Plan, shall conform to the approved Cornerstone North Preliminary Development Plan Amendment 1 and all conditions of approval contained therein as determined by the City Planner.
2. Prior to City Council holding a Public Hearing for this Final Development Plan, the Public Works Department shall receive, approve and sign a final Traffic Impact Study for the entirety of the area covered by the Cornerstone North PDP.
3. This Final Development Plan shall conform to the approved Cornerstone Section 3 plat (2014-0040) as determined by the City Planner.
4. The private portions of Cornerstone North Boulevard shall be designed and built to public street standards up to the boundary with Lot #3. An appropriate transition of vehicle and pedestrian ways across this boundary shall be designed in accordance with the Major Site Plans for Lots #2 and #3. Final design shall be in coordination with the Major Site Plans for both Lot #2 and #3 as determined by the City Engineer.

5. Public/private construction access, construction timing of public improvements, and maintenance of traffic on public roads shall be at the discretion of the Public Works Department.
6. Final location and design of all street and utility infrastructure is subject to the review and approval of the City Engineer.
7. Bufferyards and landscape treatments shall be consistent and harmonious with Phase 1A as determined by the City Planner.
8. Perimeter bufferyards, mounding and landscaping shall be provided along Feedwire Road and I-675 in accordance with Article 9.25, Table 9.6 of the UDO. Final design of the bufferyard treatments along I-675 may be coordinated with the Major Site Plan for Lot #3.
9. All lighting of vehicular and pedestrian ways shall be consistent and harmonious with Phase 1A as determined by the City Planner.
10. Landscaping and bufferyard treatments of a sufficient depth and density shall be provided along the northern boundary of Phase 2 to adequately screen the large format retail uses from the proposed residential areas to the north as determined by the City Planner. Such treatments shall be determined during the Major Site Design review phase for each lot.
11. Final location of any proposed pylon signage shall not be determined by this Final Development Plan.
12. Temporary emergency access turnaround(s) shall be constructed – if necessary – to the specifications of the Sugarcreek Township Fire Department and the City Engineer.
13. Landscape islands within Cornerstone North Boulevard shall be irrigated and maintained by the Master Property Owner's Association.
14. The intersection of Cornerstone North Boulevard and Clinger Lane shall include a decorative concrete treatment consistent with the treatment at Dille Drive and Charles Drive.
15. A revised set of FDP documents shall be submitted to the City Planner for archival purposes, reflecting all conditions of approval. Such documents shall also include a Grading Plan which reflects the entirety of Phase 2.
16. No building permits shall be issued until Fire and EMS services are ensured to the satisfaction of the City of Centerville.

Mr. Rodney noted two additional conditions that arose in the interim period that staff was recommending.

17. That the Applicant and City shall mutually develop and agree upon a comprehensive construction access and staging plan for Phase 2 public and private construction activities prior to the issuance of any zoning or building permits related to Phase 2.
18. Developer must satisfy the City that the Developer either builds or funds the public improvements, which includes, but is not limited to Wilmington Pike, for Phase 2 in accordance with the Development Agreement, the Traffic Impact Study submitted on or about March 12, 2015, and the Unified Development Ordinance.

Mr. Horn explained how the eighteenth condition had come about in the last day or two, based upon discussions with the Developer. Staff talked internally about the alternatives of either asking Council to table the Final Development Plan for Phase 2 or adding Condition #18 to allow this project to continue to move forward. The City must have assurances that specific roadway improvements will take place and a clear understanding of how they will be funded. This condition gives the Developer time to work out the details with the City prior to the recording of the record plan

Mr. Rodney reiterated that the Traffic Impact Study was the driver for the change in the timing of the public roadway improvements. In concluding his presentation he stated staff believes that the Development Plan complies, by and large, with the Standards of Approval. Both staff and Planning Commission recommended approval with conditions.

Mayor Kingseed opened the public hearing:

Mr. George Oberer, Cornerstone Developers, stated the importance of the approval of the Final Development Plan for Phase 2, in order to continue to move the Kroger and Cabela's construction projects forward. He made statements about Conditions 5, 17, 14, 16 and 18.

- He felt Condition #5 was related to Condition #17. Since he believed the construction access issue had been resolved, he did not have an issue with Condition #17.
- He strongly objected to Condition #14 requiring a fourth decorative concrete intersection. He cited additional cost for construction and maintenance. He said Cornerstone Developers would be open to negotiations with staff and installing the fourth area, if they maintain all four of the intersections.
- He asked for the removal of Condition #16, since the Fire and EMS issue seemed to be resolved for the time being. The Sugarcreek Township Trustees had rescinded the Resolution that created the Fire District. Believing the issue could come back, Mr. Oberer had filed a suit in Federal Court to get a permanent resolution.
- He believed that Condition #18 should be omitted. He said the problem was a Development Agreement issue, not a zoning matter.

Discussion of Condition #18 followed. Mayor Kingseed stated that the condition basically says that Cornerstone Developers and the City must work out how to cover the funding gap for the roadway changes on Wilmington Pike. (A TIF does not create monies to be spent on projects until after construction of the business is completed, the property is reappraised and the real estate tax cycle collects the increase.)

Mr. Oberer pointed out that the timing of the needed upgrades was substantially more rapid than originally thought. He said his company, from a financial perspective, never anticipated that all four phases of Wilmington Pike were going to be built at once.

Mr. Horn explained that the addition of Condition #18 came about, because, in a meeting that afternoon, Mr. Oberer's Chief Financial Officer told staff that Cornerstone Developers would not take responsibility for any of the funding gap for Wilmington Pike roadway improvements. Today was the first time staff had heard that claim. Staff and legal counsel did not feel comfortable approving the Final Development Plan for Phase 2 and leaving a multi-million dollar disagreement undecided. Mr. Horn said that if Mr. Oberer wanted to delete the condition, then he would recommend that Council table the application. He did not want to give the impression that Cornerstone Developers could build additional large-format users that generate intensive traffic numbers unless this issue is resolved.

Mr. Liberman pointed out that covering the roadway improvements was normal procedure. The City always requires a Subdivider's Agreement that addresses what the public improvements are going to be and how they are going to be funded per the Standards of Approval in Section 5.09 (G) (1) of the Unified Development Ordinance. Sometimes the City required a bond; sometimes the developer built the improvements. It just so happened that in this case we also had a Development Agreement in place that covers these issues. We are not looking to amend the Development Agreement at this time – we are really just looking to enforce the agreement. We received a Traffic Impact Study a week ago and our Traffic Engineers are talking about requiring the build out of Wilmington Pike at an accelerated pace. Those are the public improvements that are pertinent for this phase, and so I think it is tied to this development approval.

Mr. Oberer responded that this was already covered in the Development Agreement; the Condition was unnecessary. Mayor Kingseed agreed that Condition #18 would not change that. However, the condition clarified that the issue must be worked out before the Record Plat can be recorded.

Mr. Liberman said what the City learned today was that there was no intent to fund the gap. Mr. Oberer countered that the compression of the entire Wilmington Pike build out has been a fairly new concept—only since around the holidays. Mr. Horn noted that the Traffic Impact Study had been required for almost three years, yet it was received just last week. If we had the study earlier, Mr. Oberer would have had a decision earlier on the scope of the required projects.

When Mr. Cahall questioned whether Mr. Oberer wanted to withdraw the Traffic Impact Study that had been submitted, Mr. Oberer stated he did not necessarily agree with the Traffic Impact Study as submitted, but that it had been amended as the City requested. He added his company had included a “disqualifier” or disclaimer statement. He said he did not wish to

withdraw the Traffic Impact Study. In response, Mr. Horn stated that staff was not aware of the disclaimer and that it would be best to table the issue.

When Mayor Kingseed closed the public hearing, he asked Mr. Horn to elaborate on Mr. Oberer's concerns about maintaining the intersections on the ring road. Mr. Horn explained that, over time, colorized brushed concrete had replaced the plan for decorative bricks or other treatments at the main entry intersections. It was decorative but obviously much more durable than using paver bricks or other mixes of product. The City had agreed to take responsibility for the interior ring roads, a huge maintenance undertaking, not done anywhere else in its jurisdiction. Mr. Oberer would be responsible for the decorative intersections, including the brushed concrete and landscape plantings, until they can be turned over to a master property owners' association. These pockets may also have special signage or decorative features. Since the other three major intersections were broomed concrete, staff felt the fourth intersection should match.

Mr. Oberer asked if Council would consider a Special Meeting in a couple of weeks and a work session prior to the Special Council Meeting, in order to have some philosophical discussions. He said accelerating the Wilmington Pike Improvements created significant risk for covering the debt service. He asked if Cornerstone should be responsible for all of additional debt service coverage or the gap, if it is the City's decision to compress those improvements and move forward. He felt it was unfair to require Cornerstone North to cover all the Wilmington Pike improvements, just because it was the last quadrant at the Feedwire intersection to be developed. He asked for a compromise to be discussed.

Dr. Gresham made a motion to table the Development Plan for Cornerstone Phase 2 to Monday, April 6, 2015, at 7:30 p.m. Mr. Compton seconded the motion. A roll call vote resulted in six ayes and Mr. Beals voting no.

Mayor Kingseed noted that he was calling for a Special Council Meeting for Monday, April 6, 2015 at 7:30 p.m.

**PUBLIC HEARING: CONDITIONAL USE FOR DRIVE-UP WINDOW AND LANES
FOR BANK USE – APPLICATION P-2015-0014
SHOPPES II, 5401 CORNERSTONE NORTH BOULEVARD**

Mr. Rodney gave the staff report for the Conditional Use Application by Robert Hall of Cornerstone Developers for a drive-thru for a use other than a restaurant in a B-PD zoning district. Mr. Rodney said the drive-up window at the east end of the multi-tenant building at 5401 Cornerstone North Boulevard was intended for a bank use. The drive-thru lanes would be located within the front yard, but a variance had been granted by the Planning Commission, because of the three frontages. The proposed building would be located on Cornerstone North Boulevard at Clinger Lane and Feedwire Road. Mr. Rodney reported that the use was harmonious with adjacent land uses and was consistent with Kroger's Conditional Use for drive-thru lanes for pharmacy and grocery pick-up. He felt the impact on the surrounding area would be minimal. He had not received any communications objecting to the use. The Planning Commission had recommended approval to Council with a vote of 6-0.

Mayor Kingseed opened the opportunity for public comment, but seeing no speakers, he closed the public hearing.

Mr. Compton made a motion for approval for the Conditional Use, Application P-2015-0014, for the Shoppes II. Mrs. Rau seconded the motion. The motion passed unanimously.

REPLAT OF MIAMI VALLEY HOSPITAL PROPERTY (THOMAS FARM) –
APPLICATION P-2015-0010 – APPLICANT JOHN HALEY
716 EAST FRANKLIN STREET

Mr. Rodney explained the application proposing to split the 66+ acre parcel owned by Premier Miami Valley Hospital at 716 East Franklin Street into two parts. Lot #1 would be about six (6) acres fronting East Franklin Street; Lot #2 would be the remaining sixty acres. He noted that Mr. Haley also had submitted a request to change the I-PD, Industrial-Planned Development, zoning on the six acre parcel to O-S, Office-Service, with the potential for the construction of a medical office. The larger parcel would retain its current I-PD zoning classification. Mr. Rodney indicated that the long-term plan was to sell, donate or transfer ownership of the larger parcel to the Centerville Schools.

Mr. Rodney discussed other changes to the plat. The revised record plan would include the dedication of about 0.0671 acres for right-of-way for about sixty-five feet of frontage along Clio Road per the Centerville Thoroughfare Plan. Access to Clio Road would be possible at a future time. Additionally, a roadway access easement from East Franklin to the larger lot, a waterline easement and a gas line easement were included in the record plan.

On February 24, 2015, Planning Commission voted 6-0 to recommend approval of the replat to Council, subject to the following two conditions:

1. The cross-access easement on Lot 1 shall be centered on the existing Westpark Road centerline. The cross-access easement shall be at minimum 60 feet in width, with 30 feet on each side of the easement centerline.
2. Prior to the City of Centerville signing the plat document, the Applicant or Owner shall provide an engineer's certified cost estimate and payment or bond for improvements to 64.96 linear feet of frontage on Clio Road, as noted on the plat, in accordance with the Official Thoroughfare Plan, UDO Article 9.17, and the Public Works Department.

Mr. Beals made a motion to approve the replat of the Miami Valley Hospital Property at 716 E. Franklin Street, Application P-2015-0010, subject to the conditions recommended by the Planning Commission. Mrs. Kenley seconded the motion. The motion passed unanimously.

In Standing Committee Reports, several members of Council made comments. Mrs. Rau reported a City Beautiful Commission seminar led by Mr. Joe Boggs was held on Saturday, March 14, concerning damage to trees from insects such as the Emerald Ash Borer and the Asian

Longhorn Beetle. She encouraged individuals to go to U-Tube to listen to one of his videos. She thanked the City Beautiful Commission for a very successful seminar.

Dr. Paul Gresham announced that he would not seek another term on the Centerville City Council on the November ballot. He said he had been privileged to be elected to four terms on Council and thanked the voters.

Mr. Beals reported that the Historical Society was planning its Spring Luncheon and Fashion Show for Saturday, April 11 at 10:30 a.m. at Normandy Church at a cost of \$30.00. He also noted the Sister City Committee was actively pursuing a Sister City in Canada, preferably one with French-speaking high school students. Noting he had been re-elected to the Executive Board, he stated the Miami Valley Regional Planning Commission recently approved funding of many Miami Valley projects; Centerville received help with two roadway improvements.

Mrs. Kenley gave a brief update on the work of the Business Task Force which had been meeting over the past year. She said she had presented the six recommendations of the Business Task Force at a recent Work Session. These will be discussed further at the Council Retreat. She acknowledged the members of that Task Force and thanked them. In addition to Mr. Beals, Mrs. Rau and herself, the members were Patrick Beckel, Paul Clark, Crislyn Johnston, Tim Minton, Butch Spencer, Tim Suttmiller and Mary Ellen Lee. These individuals worked with staff to find ways to streamline processes for doing business with the City. She stated Mr. Rodney and Mr. Cahall recently created informational pamphlets to clarify procedures for applicants.

Mayor Kingseed 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. Resolution No. 13-15, A Resolution By The Centerville City Council To Support The Big Hoopla And The NCAA First Four.
- B. Resolution No. 14-15, A Resolution Authorizing And Directing The City Manager To Enter Into An Exclusive Beverage Marketing Agreement With Bottling Group LLC (PEPSI Beverages Company) And Finding That Competitive Bidding Is Inappropriate.
- C. Resolution No. 15-15, A Resolution Authorizing The City Of Centerville To Participate In The ODOT Cooperative Purchasing Program.
- D. Resolution No. 16-15, A Resolution Accepting The Bid Submitted By Southeastern Equipment Company Of Monroe, Ohio For The Purchase Of One 33,000 GVW Street Sweeper Truck And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- E. Resolution 17-15, A Resolution Accepting The Bid Submitted By Barrett Paving Materials, Inc., Middletown, Ohio, For The 2015 Street Resurfacing Program (Project SS-1A-15) For Pavement Repair And Asphalt Resurfacing In The City

Of Centerville And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.

- F. Resolution No. 18-15, A Resolution Accepting The Bid Submitted By Double Jay Construction, Inc., Englewood, Ohio, For Black Oak South Improvements Phase 4B (Project SS-1D-15) For Street, Sidewalk, And Storm Sewer System Repairs On Southbury Drive In The City Of Centerville And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- G. Reappointments to be Made as Follows:
Judy Stang Budi as a Member to the Centerville City Schools Personnel Appeals Board for a three year term.
Sierra Kelley as a Member to the Centerville Arts Commission for a three year term.
Mary Scott as a Member to the Centerville Arts Commission for a three year term.

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

Under Citizen's comments:

Diane Wysong, 664 Legendary Way, said it had come to her attention that the northern 17.5 acres of the 65 acres for the Randall Residence and the related development was purchased for \$300,000. She inquired if this changed the development plans approved by Council for the area bordered by Sheehan, Social Row and Paragon Roads. Mr. Rodney responded that the developer had done a lot split in-lieu-of purchasing the entire 65 acres at one time. Purchasing the land in this fashion would not change the development plans.

Additionally, Mrs. Wysong encouraged the parties involved in the approval of the Cornerstone Final Development Plan to sit down and discuss their differences. She said each side would have to give a little.

There being no further business, the meeting was adjourned. The next meeting of the Centerville City Council was scheduled for April 6, 2015.

Approved: E. Mark Kuepfer
Mayor

ATTEST: Debra A. James
Clerk of Council