

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, July 20, 2015, at 7:30 P.M. in the Council Chambers of the Centerville Municipal Building. The meeting was opened with an Invocation given by the president, Mayor C. Mark Kingseed, and with the Pledge of Allegiance. Council Members and City Staff present were 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
Economic Development Administrator Nathan Cahall
City Engineer James Brinegar
Assistant to the City Manager Jennifer Wilder
Assistant to the City Manager Kristen Gopman
Municipal Attorney Scott Liberman

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

Council Meetings -	June 15, 2015.
Work Session Meetings –	June 15, 2015.
	July 06, 2015.
Neighborhood Meeting	July 13, 2015.

Mr. Beals made a motion to approve the minutes, as distributed. Mrs. Kenley seconded the motion. The motion passed with seven ayes.

Mrs. James announced that Mr. Mark Locke had requested that the public hearing for NVR, Inc., dba Ryan Homes be delayed until the August 17, 2015 Council Meeting. Mayor Kingseed explained that Council historically acquiesced to those requests and moved up agenda Item 12. D. 1.

PRELIMINARY DEVELOPMENT PLAN: APPLICATION P-2015-0026
NVR, INC. DBA RYAN HOMES
APPLICANT: MARK LOCKE, 700 EAST ALEX-BELL ROAD

Mayor Kingseed opened the public hearing and noted that Council had discussed the request to table the application in work session. Mr. Compton made a motion to table this item until the September 21, 2015 Council Meeting, because some of the Council Members would not be in attendance on August 17, 2015. Mr. Palcher seconded the motion. The motion passed unanimously.

Mayor Kingseed announced a request by Mr. Locke to have a Work Session with City Council to discuss the development plan and said that meeting would be held on August 3 in the Council Chambers at 6:30 p.m. He noted Work Sessions were public meetings, but a work

session would not include public comment. Council will hold a Public Hearing on the development plan on September 21, 2015.

EXTENSION OF THE RECORD PLAT FOR THE GROVE AT YANKEE TRACE

Mrs. James also announced applicant Brian Barnard had requested an extension of the approval of the Record Plat for The Grove at Yankee Trace located at Paragon Road and running westward to Yankee Trace Drive.

Mr. Compton made a motion to extend the approval of the Record Plat for The Grove at Yankee Trace through December 31, 2015. Mr. Beals seconded the motion. The motion passed unanimously.

Mayor Kingseed honored Mr. Bob Daley who was retiring from his volunteer position as director of the taping and broadcasting of City Council meetings, after 11 years. The Mayor stated Mr. Daley had made an enormous difference within the wider community. He listed many of Bob Daley’s accomplishments, thanked him and presented a Certificate of Recognition.

Mayor Kingseed presented Certificates of Recognition to Lillian Friesinger, Maddison Janky, MacKenzie Mayberry and Addy Messerly who had recently completed the requirements for the Girl Scouts Silver Award. These young women worked to develop a plan for a play area at Centerville United Methodist Church; they organized, renovated and completed the project.

Mayor Kingseed introduced Mr. Steve Feverston, President of the Centerville-Washington Township Historical Society, who gave an update on the Historical Society’s activities for the Americana Festival and for the coming months. Anyone interested in tickets, in joining the Historical Society or in donating local artifacts to the museum collections should contact the Society 433-0123 or email cwths@sbcglobal.net.

On behalf of the City Beautiful Commission, Mrs. Jan Prettyman announced that the winner of the July Community Pride Award was Tifton Greens Condominiums located near the intersection of Clys and Bigger Roads. She named the July Residential Landscape Award winners as follows:

Jon & Stacy Jeffries 2415 Briggs Road	Heidi Miller 59 Bradstreet Road	Vickie Miller 62 Coachman Drive
Mary Conroy 992 Marycrest Lane	Jack & Charlotte McCarthy 9710 Pawnee Pass	
Rebecca Yahne 7915 Brainard Woods Drive	Bruce and Sue Kirkham 1178 Club View Drive	

Mayor Kingseed noted the following in the Mayor’s Report:

- He reviewed discussions he, Brooks Compton, and JoAnne Rau had with the Sugarcreek Township Trustees concerning the controversy over the provision of fire services at the Cornerstone Development. He mentioned that significant

monetary differences remained, but another meeting was scheduled for Wednesday, July 22, 2015. He said it was the City's desire that the Sugarcreek Township Fire Department have sufficient funding so that it could provide fire service to the Cornerstone development.

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

- The summer paving program was progressing well.
- Starting on July 27, Montgomery County Environmental Services would be replacing a major water line on North Main Street between Franklin Street and Alex Bell Road. He asked for patience from drivers.
- Other projects underway in the downtown area and in the Pleasant Hill plat included waterline replacements by Montgomery County and some gas service upgrades by Vectren. Roads dug up for construction would be resurfaced by spring.
- The Engineering Department was working on a Sheehan Road project to replace the school zone flashing lights before the start of classes. Distance was added to the school zone to give more notice of children crossing in the area.

Mrs. Gopman outlined property maintenance code violations and resolutions for the month of June, as well as the community calendar for the months of July and August.

Mayor Kingseed reported Council's intent to table the proposed Ordinance concerning pre-sale home inspections to allow time for more input from the Realtors' Association. He invited individuals to voice opinions during Citizens Comments, although he did not anticipate a vote on the issue until September.

APPLICATION P-2015-0030 FINAL DEVELOPMENT, PHASE III
APPLICANT: GEORGE OBERER, JR. FOR CORNERSTONE DEVELOPERS, LTD.
LOCATION: WILMINGTON PIKE, NORTH OF DILLE DRIVE

Mr. Cahall presented the Final Development Plan for Cornerstone Development, Phase III, commonly referenced as the village center area. The Preliminary Development Plan, Amendment 1, was approved in the fall of 2013. Mr. Cahall used an aerial view to delineate the 13 acres covered in this application, the area north of COSTCO and Dille Drive and between Wilmington Pike and the tree preservation area to the east. He went over the grading plan, mounding, lot layout, street layout, access, setbacks, gateway enhancements, lighting, parking areas, and the expanded materials palette. New public roadways included the extension of Cornerstone North Blvd. northeastward to the creek and an access street to Wilmington Pike conceptually called Village Center Drive which would be an unsignalized intersection. Although the layout generally conformed to the approved Preliminary Development Plan, Planning Commission recommended a significant number (16) of conditions. He explained the issues, including the concern with 100 spaces for a newly proposed parking lot on the southeast edge of the plan, the location of the hotel outside the ring road along Wilmington Pike, and the need for careful attention to the architectural standards in the FDP, since this same area was in the process of being rezoned to lift the community center overlay. Architectural standards were being written into the FDP to provide some consistency with the Community Center Overlay standards and those utilized in Phases 1A and 2.

At its June 30, 2015 meeting, Planning Commission voted 5-1 to recommend approval of the Final Development Plan to City Council, subject to the following sixteen 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. All lots shall be subject to Major Site Plan review in accordance with the Unified Development Ordinance. A review for UDO compliance will be conducted as each development proposal comes forward for Major Site Plan review.
3. The final location of all building, parking, landscape areas, and related items shall generally conform to this Final Development Plan as depicted unless otherwise conditioned herein.
4. The building setback along the east side of Cornerstone North Blvd. shall be 5 feet.
5. The following CC Overlay standards shall apply to this FDP:
 - a. Article 9.07(A)(5)(a-c)
 - b. Article 9.07(A)(5)(d)(v)(1-4)
 - c. Article 9.07(A)(5)(d)(vi, viii)
 - d. Article 9.07(A)(5)(f)(i-iv, vi)
6. The seven (7) spaces at the northern edge of the park parking lot shall be eliminated and replaced with a connecting sidewalk and landscaping.
7. The eastern half of the proposed park parking lot shall not be constructed as part of this Final Development Plan. The northern half of the parking lot may be constructed to provide additional parking and access to the proposed dumpster enclosures serving The Village.
8. A hotel use shall not be part of this Final Development Plan, in accordance with the Preliminary Development Plan, Amendment 1 adopted October, 2013.
9. All perimeter mounding along Wilmington Pike shall be at least three (3) feet above finished grade of adjacent parking lots.
10. Bufferyards and landscape treatments shall be consistent and harmonious with Phase 1A as determined by the City Planner.
11. All lighting of vehicular and pedestrian ways shall be consistent and harmonious with Phase 1A as determined by the City Planner.
12. Final location and design of all street and utility infrastructure is subject to the review and approval of the City Engineer.
13. 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.

14. Final location of any proposed pylon signage shall not be determined by this Final Development Plan.
15. Individual lot ground signs in this Final Development Plan shall be consistent with the design set forth for Phases 1A and 2.
16. The Applicant and City shall mutually develop and agree upon a comprehensive construction access and staging plan for the entirety of Phase 3 for public and private construction activities prior to the issuance of any zoning or building permits related to Phase 3.

Mayor Kingseed opened the Public Hearing:

George Oberer, Jr., Cornerstone Developers and Oberer Land Developers, 3475 Newmark Drive, Miamisburg, reminded everyone that the recommendation for approval was for roadway and utility infrastructure and basic standards for the Phase 3 Final Development Plan. No specific buildings were being approved; the buildings shown on the plan were general illustrations only. Of the 16 conditions, Mr. Oberer asked for the removal of Condition #7, to allow the entire parking lot in the southeast corner to be built at one time, and of Condition #8, to allow the hotel to be located along Wilmington Pike.

Mr. Oberer went into detail concerning the two items; his first comments directed attention to the parking area where staff cut the number of spaces to about a third of those shown on the submitted plan. Mr. Oberer said the parking lot would serve three groups: visitors to the park, staff for the restaurants and shops, and customers for the village center. He stated his company was working with Greene County to see if the park department might take ownership of the park or a Master Property Owners' Association might retain ownership and maintenance of the common area and give an easement to the park district. His reasons for requesting the deletion of Condition #7 included that it would be more practical to finish the parking area while doing grading and construction in the area, that the parking lot would serve an immediate need as construction in the area progressed, and the area would look better if finished sooner.

Mr. Oberer then commented on the request for the deletion of Condition #8 prohibiting a hotel along Wilmington Pike. He pointed out that the hotel was actually shown along Wilmington Pike in the PDP of 2011 where it was situated running parallel to the roadway. The hotel was moved at the request of staff following the shift in the village center to accommodate the COSTCO location with Amendment 1 to the PDP in the fall of 2013. Mr. Oberer said that a PDP only shows concepts, not specific buildings or specific land uses. In either location, a hotel was an approved use for the zoning district. The currently submitted FDP showed the hotel perpendicular to Wilmington Pike, in order to be less intrusive to the residents across the street and still relate nicely to the village center. Mr. Oberer said he needed a hotel to be allowed in the currently proposed location because he had had a contract with an end-user for that site for two years; the user was not willing to move to the other side of the tree preservation area because of the importance of high visibility to marketability of rooms.

Mr. Oberer requested a work session with Council to discuss land use concepts and development issues in other areas of Cornerstone North.

Questions from the Mayor followed. Mayor Kingseed inquired about the distance from the hotel to the residences across the street and the height of the hotel and verified the mounding and landscaping requirements, before asking about vehicular access to the hotel. Mr. Hall stated that one access point from Cornerstone North Boulevard would serve both the hotel and the adjoining restaurant/retail center. Traffic would be entering and exiting the hotel via Cornerstone North Blvd. Mayor Kingseed also noted that, even if a hotel were approved for this site, the actual layout and design would go through staff and Planning Commission for approval of a major site plan.

Mr. Oberer pointed out the tax benefit of having a hotel in the development. He expected a hotel with 90-100 rooms would be worth up to \$9-10 million in appraised values. Robert Hall clarified that 88 rooms were anticipated. When the Mayor asked if the hotel's guests would be able to walk to the nearby restaurants, Mr. Oberer stated three or four of the buildings in the village center area could be restaurants. Other restaurants and shops would be located farther south along the internal drive.

Discussion continued. Mr. Cahall reminded Council that the plan with the hotel site was a FDP and not a PDP. A Final Development Plan provided a certain degree of specificity. If deleting Condition 8, Council would be approving a hotel use in the general layout presented. Anything significantly different would require an amendment to the FDP. Mr. Liberman added that further specifics would come with a major site plan which would only go to Planning Commission, unless there was an appeal. Mr. Oberer reiterated a hotel was an allowable use in the zoning district, before Dr. Gresham asked why no objections were raised at Planning Commission; no objections were noted in the preliminary draft of the minutes. Mr. Oberer insisted Mr. Conley raised an objection. Dr. Gresham asked the Council members who were in attendance at the meeting, if they remembered there being an objection to moving the hotel from Wilmington Pike. Mr. Hall said Oberer Land Developers took exception to three conditions. One was increasing the setback along Wilmington Pike to greater than 35'. One was the reduction in the number of parking spaces to be constructed to the east of the village center. The last was Mr. Conley requesting an exception to allow the hotel along Wilmington Pike. Mr. Clark, Planning Commission Chair, said there was some discussion, but Planning Commission kept Mr. Rodney's recommendation because the members wanted it there. Mr. Oberer acknowledged that Planning Commission wanted to keep the condition. Mrs. Rau who attended the meeting said she remembered significant discussion about parking spaces, but not a lot about the hotel. It was understated—almost an omission. Mr. Oberer admitted the team did not push a debate about the issue, because it was a battle they knew they could not win with Planning Commission.

Mayor Kingseed returned to the topic of the parking lot. He asked Mr. Cahall to review staff logic as to why the parking lot should not be completed at this time. Mr. Cahall responded that staff's initial reaction to this version of the Final Development Plan for Phase 3 was that the park plan should be included, because the two parts needed to fit together hand and glove. Assessing the layout and design of the village center was difficult without knowing more specifics on the park, and vice versa. The additional parking field behind COSTCO and behind the horseshoe area was presented to staff as parking for the green space, but staff hesitated and

decided to handle the utilitarian needs behind the village center for access, but not commit the total acreage to development when updates to the plan might require a different configuration.

Mr. Horn explained that from the staff's standpoint, this condition was a compromise between just allowing a little entry road and completing the whole parking area. The park was to be the highlighted amenity, so the City did not want the land to be encumbered prematurely.

Mr. Oberer argued the concept for about 22 acres of parkland had not changed since about 2011, and he did not expect that it would. He said the grading had been done; the pond was in place. He admitted the parking lot had been added, but staff had misunderstood if they thought it was just to be for the park. Oberer Land Developers had accommodated staff suggestions to make the lot less boxy and already had marketed the green space to potential users of the village center. No public money would be spent for the parking lot. He added that the park was never intended to be built until Phase 4 or 5, because it was on the other side of the creek.

Mr. Cahall stated the delineation of the park area on the back side of the creek had always been nebulous, because only minimal preliminary development plans had been submitted for those areas. It was unclear exactly to what extent the park would be used to buffer the areas behind the big box stores. The rationale of the staff recommendation to the Planning Commission was meant to avoid limiting options by laying asphalt.

MaryEllen Etienne, 2708 Millbridge Court across from Dille Drive, thanked Dr. Gresham for reaching out to the neighborhood. She said she represented the entire cul-de-sac on Millbridge Court including the addresses of 2700, 2708, 2714, 2720 and 2719 and stated that the neighborhood unanimously opposed the hotel along Wilmington Pike. She said a hotel that was open 24 hours a day would be an enormous problem for the residents.

George Helm, 5111 Wilmington Pike, expressed the same concern with regard to a 24 hour business, increased traffic, noise, and lights. He believed property values would go down and crime in the area would increase. He asked Council to deny the hotel along Wilmington Pike.

Ann Raney, 5147 Wilmington Pike, stated that at the June 30, 2015 Planning Commission Meeting, Mr. Rodney did not say a hotel would be along Wilmington Pike. Mr. Rodney said the hotel was to be placed on the other side of the ring road for two reasons: 1) Down the road, this establishment may not work; the City did not want an empty building in the prominent location. 2) Was there need for a hotel? In the future, a hotel is proposed closer to the hospital in Cornerstone South. She agreed that Hilton might want it along Wilmington Pike, but the City should determine who is in charge and hold its ground.

Ralph Crowe, 5073 Wilmington Pike, stated he wasn't against building a hotel, but made some other requests. He asked for two additional lanes on the east side of Wilmington Pike, making seven lanes. He wanted a center turn lane and parking along the west side of Wilmington Pike. He asked about the hotel tax, stated his property value had declined significantly and asked for a traffic signal at Brown Road.

Jennifer Lawson, 5091 Wilmington Pike, said she disagreed with having the hotel across the street from her home, because of lighting, late night traffic, increased vehicle traffic, human trafficking, and lack of sustainability. She did not think the hotel should get to choose where it could locate, because of the impact on our lives, our lots, and our houses.

Mayor Kingseed closed the public hearing at this time.

Considerable discussion followed from Council regarding the hotel. Safety issues for pedestrians crossing Cornerstone North Blvd. at the busy unsignalized intersection of the village center access and Cornerstone North Boulevard were pointed out. When asked about the proposed timing of the hotel build-out, Mr. Oberer reiterated that the hotel developer had been under contract for a couple of years, but the user had not spent funds on developing the engineering and architectural plans without a reasonable expectation that the building could go forward. He said the hotel group would like to have construction underway by early next year.

Mr. Horn pointed out that this was the second time Mr. Oberer had said the hotel developer had been under contract for several years, but since October 2013 the City had specifically rejected a hotel being there. Mayor Kingseed interjected that Mr. Oberer had been trying to get the City to change its mind since then, because the PDP back in 2011 had the hotel on Wilmington Pike.

When Mrs. Rau asked about hotels across from residential areas in our community, Mr. Cahall responded that the combination was typically not seen in our city or around the area.

When Mr. Helm pointed out that it sometimes takes 10 minutes to get out of his driveway onto Wilmington Pike, Mayor Kingseed said improvements were being made on Wilmington Pike, and Mr. Cahall described the plan for the completed roadway.

Mayor Kingseed thanked everyone for the input and stated he intended to vote to allow the hotel along Wilmington Pike. He felt the same traffic issues would arise with other uses on the site and that restaurants might have greater numbers of cars entering and exiting. He said he understood the fears and concerns of the public, but felt that the City would demand quality, buffering and landscaping to minimize the impact of the hotel. He recommended keeping Condition #7 concerning the parking lot. Other members of Council shared their conclusions and positions on the two issues.

Mr. Compton made a motion to approve the Final Development Plan with fifteen of the conditions recommended by the Planning Commission, removing Condition #8 in order to allow the hotel to be located perpendicular to Wilmington Pike. Mr. Palcher seconded the motion. The motion passed with a vote of 6-1, with Dr. Gresham voting no.

Mayor Kingseed explained that the Consent Agenda contains routine procedural and administrative matters that have been discussed during Work Sessions and have unanimous support. Council Members read the Consent Agenda items into the record.

- A. Ordinance No. 14-15, An Ordinance Amending Ordinance Number 14-08, Chapter 1216, The Unified Development Ordinance, As Amended, To Rezone

14.8 Acres Of Land, More Or Less, Located At Cornerstone Of Centerville North, Phase III, From B-PD, Business Planned Development With CC, Community Center Overlay Zone Classification, To B-PD, Business Planned Development Classification. (Set for Public Hearing September 21, 2015)

- B. Resolution No. 38-15, A Resolution Authorizing The City Manager On Behalf Of The City Of Centerville To Enter Into A Service Contract With Ed Faulkner For Building Inspection Services, be passed.
- C. Resolution No. 39-15, A Resolution Authorizing The City Manager To Accept A Bid For A Leaf Vacuum At A Future Date In An Amount Up To \$65,000, be passed.
- D. Resolution No. 40-15, A Resolution Authorizing And Directing The City Manager, On Behalf Of The City Of Centerville, To Execute An Agreement With The Greater Dayton Regional Transit Authority To Provide Funding For Solar Receptacles At Three Bus Stops In The City Of Centerville And Appropriating \$50,000 For The Contract Indemnification Clause, be passed.

Mr. Compton sponsored the Consent Agenda items and moved for their approval. Mrs. Rau seconded the motion. The motion passed 7-0.

PUBLIC HEARING: ORDINANCE NO. 09-15
ESTABLISHING NEW CHAPTER 1490 PRE-SALE INSPECTION

Mr. Compton moved to remove Ordinance 09-15, An Ordinance Establishing New Chapter 1490 "Pre-sale Inspection" of the Codified Ordinances Of The City Of Centerville, Ohio, from the table. Mrs. Rau seconded the motion. The motion passed unanimously.

Mr. Compton moved to table Ordinance 9-15, An Ordinance Establishing New Chapter 1490 "Pre-sale Inspection" of the Codified Ordinances Of The City Of Centerville, Ohio, to the Council meeting on September 21, 2015. Mr. Beals seconded the motion. The motion passed unanimously.

Citizens Comments and Concerns:

Mr. Ralph Mantica, 301 Tamarac Trail, said he represented the 2400 members of the Real Estate industry. He appreciated the tabling the ordinance on the pre-sale housing inspections and thanked Council for working with the real estate community.

Mr. Jack Garner, 85 Zengel Drive, talked about the proposed subdivision by Ryan Homes at Pleasant Hill. He stated he believed the project would go forward with approximately 100 units and with the interconnection between the subdivision and Zengel Drive. He asked the City to prohibit any construction traffic on Zengel Drive and to concentrate on the issue of speeding in his neighborhood.

Ms. Bonnie Jolley, a realtor for 30 years, said she was not representing everyone from the Dayton Area Board, but passed a handout from the DABR listing points that realtors are addressing. She voiced concern about the high cost of the pre-sale inspection program (\$100) Centerville was considering and asked how Council would inform residents of the requirement. She pointed out that these inspections only cover houses being sold. Often other homes in the neighborhood are bigger problems. She suggested strengthening the enforcement codes, instead of penalizing people who were maintaining their homes along with those who were not.

There being no further business, the meeting was adjourned. The next meeting of the Centerville City Council was scheduled for August 17, 2015.

Approved: C. Mark Kerguel
Mayor

ATTEST: Debra A James
Clerk of Council