

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, August 17, 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 the Centerville United Methodist Church and the Pledge of Allegiance with Deputy Mayor Brooks Compton presiding. Council Members and City Staff present were as follows:

Council Members John Beals
 Belinda Kenley
 John Palcher
 JoAnne Rau

Clerk of Council Debra James
City Manager Gregory Horn
Finance Director Steven Hinshaw
City Planner Andrew Rodney
Economic Development Administrator Nathan Cahall
Public Works Director Douglas Spittler
City Engineer James Brinegar
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 Meetings - July 20, 2015.
Work Session Meetings – July 20, 2015.
 August 03, 2015.
 August 10, 2015.

Mayor Kingseed and Dr. Gresham were absent because they were out of town. Mr. Beals made a motion to excuse their absence. Mrs. Rau seconded the motion. The motion passed with five ayes.

Mr. Palcher made a motion to approve the minutes, as distributed. Mr. Beals seconded the motion. Mrs. Rau abstained from the vote on the minutes of August 3, 2015, because she was absent. The motion passed with five ayes.

Deputy Mayor Compton recognized Mr. Gene O'Neil, CIVIC Volunteer for the City since 2002. He read the Certificate of Recognition for Mr. O'Neil and acknowledged that he has volunteered at the Police Department with the speed board and the Citizens' Police Academy and at City Offices as a courier for the daily interoffice route, for City Council, for Planning Commission and for the Board of Architectural Review.

Deputy Mayor Compton recognized the MorningStar Baptist Church for the work done during its "Day of Service" in the City on June 6, 2015. Led by Pastor Dr. Mark Simpson and Out Reach Director Gail Wise, members of the church worked on three projects. The Deputy-Mayor stated appreciation for the work completed by members of the church.

Deputy Mayor Compton congratulated the Magsig Destination Imagination Team that won 1st Place at the Global Finals in Knoxville, Tennessee competing against 69 teams. The Team Members were Josephine Durst, Madeline Gruenberg, Leah Horan, Logan Matson, Abigail Torres, Veronica Torres and Jack Trout. Team Managers Laura Torres and Jose Torres and the team members accepted a Certificate of Recognition.

On behalf of the City Beautiful Commission, Mrs. Jan Prettyman announced summer award winners. Steeplechase Apartments, 6790 Riverdowns Drive was the August Business Pride Award winner. The August Residential Landscape Award winners were as follows:

AUGUST

Bill and Marly Wilson
6500 Atterbury Court

David and Elizabeth Fischer
874 Deer Run Road

Joann Spangler
212 Prague Court

Patricia Malas
5385 Royalwood Drive

Robert and Stevie Hammons
9712 Stone Rock Court

Mark and Anne Marie Romer
1310 Harewood Court

Ron and Leslie Newcomb
1123 Waters Edge Drive

All the Residential Summer Landscape Award Winners were invited to attend a future Council meeting to be honored with a reception.

Deputy Mayor Compton noted the following in the Mayor’s Report:

Mrs. Kenley read a proclamation designating the month of September as Childhood Cancer Awareness Month in the City of Centerville.

Mr. Palcher commended the Arts Commission for the summer evening concerts where approximately 9,800 people came to Stubbs Park. The Arts Commission collected \$570 in donations to help defray costs. Mr. Palcher thanked the members of the Arts Commission, staff liaison Kristen Gopman and stage manager Lyle Anthony.

In the City Manager’s Report, Mr. Horn echoed the accolades for the MorningStar Baptist Church and thanked the volunteers. He also noted that other groups have performed service activities to help elderly and disabled citizens and to complete projects for the City. He asked those interested in volunteering to call the Municipal Building.

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

AMENDMENT TO THE FINAL DEVELOPMENT PLAN, THE LINKS SECTION 1-D
APPLICANT: JIM KIEFER, GREAT TRADITIONS LAND DEVELOPMENT CO.

Mr. Rodney gave the staff report for the request by Mr. Kiefer to adjust the final development plan for The Links at Yankee Trace to allow modified versions of The Highlands

duplex floorplans to be used for the remaining lots in Section 1-D. Mr. Rodney gave a brief history of the development in The Links. The revised Final Development Plan requested two duplex buildings to be built by Charlie Simms using materials and architectural features consistent with the existing homes in the immediate area. Mr. Rodney compared the duplex homes in The Links and The Highlands using elevations and photos. He noted that the board of the Links homeowners association was supportive but the support was not unanimous. He went over the Standards of Approval. By a vote of 6-0, Planning Commission had recommended approval subject to the following two conditions:

1. The Links exterior materials, design elements, and ornamentation (i.e. lighting, shutters, etc.) shall be utilized to the extent practicable.
2. Prior to issuance of zoning and building permits, The Links HOA shall provide a Letter of Support for the final building designs.

When Deputy Mayor Compton opened the public hearing, Mr. Jim Kiefer of Great Traditions Development Group explained how the request for the changes to the final development plan for The Links evolved. He stated he had approached Mr. Simms to see if he had any interest in building the last two units in The Links as work neared completion in the adjacent Highlands; Mr. Simms was very receptive and developed plans that were similar to the existing homes and presented those to The Links HOA Board and the residents, for comments. The plans were reviewed, vetted and adapted with the input of the board. Mr. Simms also communicated with the Master Yankee Trace Association. During the process, he modified the plans at least twice.

Mr. Tom O'Neil, 643 Legendary Way, stated concern about the depth of the lots and the slope of the property and asked why the applicant/developer didn't build one triplex unit, instead of the two duplexes. He felt it was inappropriate that surveyors were working on the lots before Council voted on the issue. He also voiced concern about narrow streets, additional cars, and the design that had the two garage doors centered on the front elevation.

Deputy Mayor Compton closed the public hearing at this time.

Mr. Rodney explained that he required The Links Homeowners Association to resubmit a letter based on the revised drawings that Mr. Simms had provided to staff. Mr. Ned Shepard, The Links Director and President of the Homeowners Association, had indicated that the homeowners were in support of the plans, subject to some modifications. Mr. Simms felt he could not move the garage doors away from the center front because that would result in drastic changes to the interior of the homes that were not feasible. Included with the recommendation was the list of the materials that Mr. Simms proposed to use.

Mr. Kiefer stated that the two duplex units Mr. Simms proposed were not as deep as the original units and were a little wider. Council originally approved a duplex and a triplex at the site. He explained that the lot lines of the record plat would have to be changed to get the common walls in the proper positions. He also noted that the current configuration would allow convenient connections to existing utilities. Mr. Kiefer said the proposed price line of the units would be \$325,000-\$350,000.

Deputy Mayor Compton re-opened the public hearing.

When Ned Shepard, 586 Legendary Way, asked if the new buildings were going to be closer to the street than the existing Links buildings, Mr. Rodney replied that the buildings would have setback distances consistent with the setbacks required in the Links. Mr. Shepard stated the Board of the HOA had agreed the exterior designs were in harmony with the existing homes, but the members had not seen the layout of the buildings on the lots.

Tom O'Neil, 643 Legendary Way, stated the street was only 24' wide, without a walking path or sufficient space to park cars along the street. At times, the residents had used the green space for overflow parking. He asked if the builder would use this green space.

Diane Wysong, 664 Legendary Way, who lived next door to the last lot developed, had talked to a builder regarding the remaining lots. That builder thought only two units would fit, because the lot became unbuildable to the east.

Sylvia Islan, 610 Legendary Way, said she saw no resemblance between her home in The Links and the duplex design that would have the two garages "squashed together". She agreed that finding buildable land on the remaining lots would be a problem.

Deputy Mayor Compton closed the public hearing.

Mr. Palcher made a motion to approve the amendment to the Final Development Plan Application P-2015-0027, subject to the following two conditions recommended by the Planning Commission:

1. The Links exterior materials, design elements, and ornamentation (i.e. lighting, shutters, etc.) shall be utilized to the extent practicable.
2. Prior to issuance of zoning and building permits, The Links HOA shall provide a Letter of Support for the final building designs.

Mrs. Rau seconded the motion. The motion passed with a vote of 4-1 with Mr. Compton voting no.

RECORD PLAN FOR THE LINKS AT YANKEE TRACE, SECTION 1-D
APPLICANT: JAMES KIEFER, YANKEE TRACE DEVELOPMENT, LLC
619, 625, 631 AND 637 LEGENDARY WAY

Mr. Rodney made the staff presentation for Application P-2015-0028, the request to replat four (4) existing lots to accommodate two duplex building footprints consistent with the amendment to The Links Final Development Plan that Council had just passed. The replat was for the modification of the internal lot lines in Section 1-D. No rights-of-way or perimeter boundaries were affected.

Mr. Beals made a motion to approve Application P-2015-0028, the revised Record Plan for The Links at Yankee Trace, Section 1-D, for properties addressed as 619, 625, 631 and 637 Legendary Way. Mr. Palcher seconded the motion. The motion passed with five ayes.

RECORD PLAT FOR CORNERSTONE NORTH, SECTION 5 (LOTS 1, 2 and 3)
CORNERSTONE NORTH PHASE 3, ROBERT HALL, CORNERSTONE DEVELOPERS

Mr. Rodney made the staff presentation for the record plan for Cornerstone North, Section 5 for the village center area. He showed an aerial of the B-PD, Business-Planned Development, zoning district. Included were the village area and the outlots north of Shoppes I at Dille Drive along Wilmington Pike, eastward to the tree preservation area along the creek. The proposed plat included dedication of public rights-of-way along Wilmington Pike, the village center access road, and the extension of Cornerstone North Blvd. The plat divided the area into four lots in a configuration compatible with the Phase III Final Development Plan. He noted that the construction documents that were being reviewed had to be approved prior to the recording of the plat. He explained specific concerns of Planning Commission relative to Lot #4, the main village area. The members felt that platting it at this time was premature and would inhibit flexibility as the developer worked with tenants and tried to plan for the open space and parking lots. In spite of concerns about the irregular shape, Planning Commission wasn't necessarily opposed to the creation of Lot 4, but the members wanted a more defined site plan before they recommended its approval. They voted 7-0 to support Section 5 with Lots 1, 2 and 3, but without Lot #4. The recommendation was subject to the following five (5) conditions:

1. A 10' utility easement is requested along the north property line of Lot #1, on Lots 2 and 3 parallel to Village Center Drive, and along the perimeter of Lot #4 (per Dayton Power & Light).
2. Other utility easements accommodating wet and dry utilities shall be provided in cooperation with the requisite utility and the City Engineer.
3. Final construction documents for all public improvements shall be furnished to and approved by the City Engineer prior to recording of this plat.
4. A guarantee of construction and installation of improvements shall be provided in accordance with UDO Article 9.17.
5. Lot #4 shall be excluded from the plat.

Planning Commission was clear that the developer could reapply for the plat to establish Lot 4 along with the application for a site plan for the village center.

Mr. Beals made a motion to approve Application P-2015-0035, the Record Plan for Cornerstone North, Section 5, subject to the conditions recommended by the Planning Commission (including the exclusion of Lot 4). He said the plat should be redrawn to meet the City Engineer's approval. Mrs. Kenley seconded the motion. The motion passed with five ayes.

Mr. Beals reported that the Centerville-Washington Township Historical Society scheduled its annual Taste of Centerville event on Thursday, September 10, 2015. The organizers of this fundraiser for the Historical Society promised a very pleasant evening at Benham's Grove.

Deputy Mayor Compton explained that the Consent Agenda contained routine procedural and administrative matters that had been discussed during Work Sessions and had unanimous support. Council Members read the Consent Agenda items into the record.

- A. Ordinance No. 16-15, An Ordinance Declaring That Certain Real Property Owned By The City As Right-Of-Way Is No Longer Needed For Municipal Purpose And Is Necessary For A Montgomery County Road Project And Authorizing The City Manager, On Behalf Of The City Of Centerville, To Take All Steps Necessary To Transfer The Real Property Right-Of-Way Adjacent To Yankee Street To The Board Of County Commissioners Of Montgomery County, Ohio For MOT-CR175-0.79 (Yankee Street Improvement Project), be set for Public Hearing September 21, 2015.
- B. Resolution No. 41-15, A Resolution Agreeing That The City Of Centerville, Ohio Shall Become A Member Of The Proposed Montgomery County Regional Radio Council And To Authorize The City Manager To Execute The Agreement For Participation In A Regional Council Of Governments Known As The Montgomery County Regional Radio Council, be passed.
- C. Resolution No. 42-15, A Resolution Agreeing That The City Of Centerville Should Participate As A Pilot City In The United Way Of The Greater Dayton Area's SeniorLink And To Authorize The City To Commit Funds Not To Exceed \$5000 To Participate, be passed.
- D. Resolution No. 43-15, A Resolution Authorizing The City Of Centerville, Ohio, To Enter Into A Cooperative Agreement With The Board Of County Commissioners Of Montgomery County, Ohio For The Distribution Of Funding From An Ohio Public Works Commission Grant and Loan and Authorizing The Montgomery County Commissioners To Submit A Joint Application For An Ohio Public Works Commission Grant and Loan For The West Ridgeway Water Main Replacement Project, Project No. 130054-90, be passed.
- E. Reappointments to be Made as Follows:
Bill Abrams of the City Beautiful Commission – leave of absence.
Marlene Orendorf to the Arts Commission – three year term.
Paul Clark as Chair to the Planning Commission – one year term.

Mr. Horn gave an explanation on Items "A", "C" and "D" at the request of members of Council. For Item "A", Mr. Horn explained that both the City and Montgomery County are desirous of widening of Yankee Street from Social Row Road to Winding Green Way. This right-of-way transfer allows the County, as the lead agency, to facilitate construction of the improvements on Yankee Street. When the project is completed, the right-of-way will be granted

back to the City. For Item "C", Mr. Horn stated that representatives of United Way approached the cities of Dayton, Huber Heights, Kettering and Centerville about entering into a pilot agreement for a program called Seniorlink. United Way will apply for grant, but asked the pilot communities to be willing to expend up to \$5,000. He had stressed that Council was committing to the pilot project only, at this time. For Item "D", Mr. Horn pointed out the advantages of collaborating with Montgomery County Environmental Services for a joint application for funding from the Ohio Public Works Commission to offset costs. The County would install new waterlines, new hydrants, and new service connections to the homes; the City would repave the streets.

Mr. Beals sponsored the Consent Agenda items and moved for their approval. Mrs. Rau seconded the motion. The motion passed 5-0.

EMERGENCY ORDINANCE NO. 15-15: TRANSFER OF PUBLIC RIGHTS-OF-WAY
THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY
(YANKEE STREET IMPROVEMENT PROJECT MOT-CR175-0.79)

Mr. Horn stated that emergency ordinances were not permanent based on Centerville's City Charter. In order to meet the bidding and program requirements of the federal highway funding that the Montgomery County Engineer is utilizing for the Yankee Street Improvements, Council needed to set the public hearing for permanent legislation under Item "A" on the Consent Agenda and also consider this emergency ordinance.

Mr. Beals sponsored Emergency Ordinance No. 15-15, An Emergency Ordinance Declaring That Certain Real Property Owned By The City As Right-Of-Way Is No Longer Needed For Municipal Purpose And Is Necessary For A Montgomery County Road Project And Authorizing The City Manager, On Behalf Of The City Of Centerville, To Take All Steps Necessary To Transfer The Real Property Right-Of-Way Adjacent To Yankee Street To The Board Of County Commissioners Of Montgomery County, Ohio For MOT-CR 175-0.79 (Yankee Street Improvement Project) and moved for its approval. Mrs. Rau 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 September 21, 2015.

Approved: *C. Mark Kempel*
Mayor

ATTEST: *Debra A. James*
Clerk of Council