

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, March 4, 2019, at 7:35 P.M. in the JV Stone Council Chambers of the Centerville Municipal Building. The meeting was opened with an Invocation given by Grant Dunigan, Board Member of Restoration Church Centerville and the Pledge of Allegiance to the flag with Mayor Compton presiding. Councilmembers and City Staff were present as follows:

Deputy Mayor	Belinda Kenley
Councilmembers	John Beals
	Mark Engert
	John Palcher
	JoAnne Rau
	Bill Serr

Clerk of Council Carin Andrews

City Manager Wayne Davis

Finance Director Tyler Roark

Public Works Director Doug Spitler

City Engineer Jim Brinegar

Assistant City Manager Mariah Vogelgesang

Economic Development Administrator Holly Christmann

Human Resources Manager Jennifer Brumby

Municipal Attorney Scott Liberman

City Planner Andrew Rodney

*City - Maureen Russell Hodgson*

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

Council Meeting: February 18, 2019.

Work Session Meeting: February 18, 2019

JoAnne Rau made a motion for approval of the minutes, as distributed. Mr. Palcher seconded the motion, and it passed with 7 ayes.

Mrs. Andrews reported no communications received.

Deputy Mayor Belinda Kenley read the Proclamation, naming March as “Red Cross Month.” Mayor Compton invited Mr. Marty Hydell to the podium to accept the Proclamation and speak about the mission of the American Red Cross.

Mayor Compton then moved to the Mayor’s report and addressed several items. He began by recognizing Councilmember Bill Serr with a Proclamation, dedicating March 3, 2019 as Bill Serr Day in the City of Centerville. Mr. Serr has retired from 30 years of service to Graceworks Lutheran Services. A “Fair Housing – Understanding the Past to Define a Better Tomorrow” proclamation was forwarded to the Miami Valley Fair Housing Center.

Mr. Beals reported that Brian Martin, the Director of the Miami Valley Regional Planning Commission lost his wife Marchale Martin on March 1, 2019.

Councilmember Rau added that the visioning process for the downtown area, or APD Architectural Preservation District launched with a meeting on February 25. There will be a series of meetings with a diverse group of stakeholders to recommend strategies and projects for

the APD. From these meetings, staff will develop an action-oriented plan detailing short- and long-term strategies and tactics to promote quality of life and economic development in the APD. Also, Mrs. Rau attended the Girl Scouts Gold Awards on Sunday, March 3<sup>rd</sup> honoring 42 Girl Scouts, four from Centerville who have achieved the goal of receiving their Gold Award. Also, she announced the Shade Gardening Seminar will be held on Saturday, March 9, 2019 at 10:00 A.M. at Centerville High School, sponsored by the Centerville City Beautiful Commission.

Mr. Engert spoke about Anna Belcher, Centerville High School graduate who was the first African American woman to receive an Oscar for production design for her work on the movie "Black Panther." He also updated Council on the Centerville High School boys and girls basketball teams.

In the City Manager's report, Mr. Davis reported on:

- Two new staff members began today working for the City. Jenna Whipp as Assistant Finance Director and Laura Filaseta, as Events Coordinator.
- Interviews have begun for the Human Resources Manager position.
- Roundtable Event for Dayton Board of Realtors on Tuesday, March 12 at 11:30 A.M. being held at Yankee Trace.

Mr. Serr spoke about the newly named CEO of Graceworks, Judy Budi who has also served the City and community in numerous public service roles.

Mr. Yandrick gave the staff report for Application P-2019-0006, an appeal for a variance for more than four garage spaces at 7150 Bigger Lane, applicant Brian Timmerman. This property is zoned R-1A, SF Residential. The variance case was heard by the Planning Commission at the January 29, 2019 meeting. Planning Commission's decision for 7150 Bigger Lane was to approve total area of all accessory buildings and parking of RV in rear yard. Planning Commission denied allowing six garage spaces on this residential property. Mr. Yandrick provided maps and pictures of the property, demonstrating the size of the lot and proximity to other properties. In the staff analysis it was outlined the property is 2.68 acres, with an existing house built in 1942. The attached garage was added in 1993, and house is set back approximately 200' from Bigger Lane with a distance of 170-200' from adjacent houses. The four garage space restriction has been in place since 1986. The denial by the Planning Commission was due to lack of grounds for practical difficulty or physical hardship.

Mayor Compton asked for clarification on what was not approved by Planning Commission to which Mr. Yandrick explained it was only the variance that was not approved. Also, Mr. Beals inquired about the RV slab, and a map was displayed showing the various lots with outbuildings and the variance which was allowed for the property at 1610 E. Alex Bell in 1988 for six garage spaces. Mrs. Rau confirmed that the outbuilding itself has been approved. The issue is that there are two garage doors.

Mayor Compton opened the Public Hearing.

Mr. Brian Timmerman, 7150 Bigger Lane presented his appeal to Council. Preserving the character of the community and compatibility in use were the focus of his presentation. The R-1A zoning area is the largest, least dense and only such zone within the City of Centerville that consists of only 29 homes. Roughly 24% of all of the homes already have a larger structure that

can accommodate more than four parking spaces. The addition of his structure would be in keeping with the R-1A neighborhood. The UDO clearly states that no retail activity of any kind can take place in a residentially zoned neighborhood. He asserted there is no basis for the change of character within the neighborhood, due to 25% of the neighborhood already having these structures, and there is no basis on risk of commercial use, because commercial use is not permitted. His goal is to maintain his property's presentation with the two additional covered parking spaces to accommodate his family of seven. He also argued it is unreasonable to be limited to the same number of parking spaces as in a high density residential area when he has ten times the lot size.

Mr. Palcher addressed Mr. Timmerman inquiring whether he would park the RV in the garage. Mr. Timmerman explained that he currently owns a travel trailer which would be parked on the pad, and the 12-passenger van would be parked inside. Future plans for a larger RV and the trailer for his scout troop would also be able to be parked inside.

Mr. Serr asked Mr. Timmerman to speak to the urgency of his request and to characterize the hardship. Mr. Serr inquired if Mr. Timmerman had talked to any of his neighbors and what was their reaction. Mr. Timmerman indicated his desire to move forward as quickly as possible to improve his property. He explained the hardship includes a side turn entry garage, limiting usability of the side yard, and lack of accessibility to the two back spaces due to the other trailers that are blocking those. He has not spoken with any of his neighbors but all of the neighbors received notices of a hearing and no one attended to object. Mayor Compton discussed the possibility of leaving the structure door-less, but it was determined it would create a hardship with weather exposure. Mayor Compton commented it is not unusual in this neighborhood to have additional garage space and it would not over-garage the neighborhood.

Mrs. Rau asked about the possible removal of a garage door. If the appeal is not approved Mr. Timmerman said that he would have to reconfigure the plan and determine which openings would have a door. It creates the need to re-envision the whole idea.

Mr. Beals complimented Mr. Timmerman on the design of his structure and added there is merit in the quality of his design. Mr. Timmerman added it is intended to match the style and architecture design of the house.

Mayor Compton concluded the Public Hearing by stating this variance would not be injurious to the area and is not detrimental to the public. However, the granting of the variance must be in harmony with the general purpose of intent of not over-garaging the area. Granting this variance would not allow a use that is not otherwise permissible in the district. Garages are permitted in the district, and the question is the appropriateness of this garage is appropriate on this 110,000 square foot parcel.

Mayor Compton closed the Public Hearing.

Mr. Serr made a motion to grant the requested variance and approve Application P-2019-0006. Mr. Palcher seconded the motion and it passed unanimously.

Mayor Compton turned the attention of the group to the Consent Agenda. Any City Councilmember may remove an item from the Consent Agenda by request. No second is

required for removal of an item. Items removed for separate discussion will be considered after the motion to approve the remaining Consent Agenda items.

Councilmembers read the Consent Agenda into the record as follows:

- A. Ordinance 06-19, An Ordinance Of The City Of Centerville, Ohio Amending Part Fourteen, Title Eight Of The Centerville Municipal Code; Adopting The 2018 Edition Of The International Property Maintenance Code, Regulating And Governing The Conditions And Maintenance Of All Property, Buildings And Structures; By Providing The Standards For Supplied Utilities And Facilities And Other Physical Things And Conditions Essential To Ensure That Structures Are Safe, Sanitary And Fit For Occupation And Use; And The Condemnation Of Buildings And Structures Unfit For Human Occupancy And Use, And The Demolition Of Such Existing Structures In The City; And Repealing Of Part Fourteen, Title Eight Of The Centerville Municipal Code And All Other Ordinances And Parts Of Ordinances In Conflict Therewith. (Set For Public Hearing April 15, 2019)
- B. Ordinance 07-19, An Ordinance Amending Ordinance No. 14-08, Chapter 1216, Article 3 and 5 of the Centerville Municipal Code, The Unified Development Ordinance For The City Of Centerville, Ohio, To Amend Regulations For Planning Commission Roles and Responsibilities And Appeal Procedures. (Set for Public Hearing April 15, 2019)
- C. Resolution 15-19, A Resolution Authorizing The City Manager, On Behalf Of The City Of Centerville, To Enter Into An Amendment To The License And Services Agreement With Tyler Technologies, Inc. For Financial Software System And Services.

Mrs. Kenley sponsored the Consent Agenda, and moved for its approval. Mrs. Rau seconded the motion; the motion carried unanimously with a 7-0 vote.

There being no further questions or business, Mayor Compton adjourned the meeting at 8:40 P.M. and reconvened in the Kingseed Law Library for an Executive Session. The next regular meeting of City Council is scheduled to take place on Monday, March 18, 2019 at 7:30 P.M.

Approved: *Bush A Compton*  
Mayor

ATTEST: *Carin R. Andrew*  
Clerk of Council