

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, May 20, 2019, at 7:30 P.M. in the JV Stone Council Chambers of the Centerville Municipal Building. The meeting was opened with an Invocation by Councilmember Bill Serr 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
Assistant Finance Director	Jenna Whipp
Public Works Director	Doug Spitler
City Engineer	Jim Brinegar
Assistant City Manager	Mariah Vogelgesang
Economic Development Administrator	Holly Christmann
Human Resources Manager	Rory Garrity
Interim City Planner	Mark Yandrick
Municipal Attorney	Scott Liberman
Events Coordinator	Laura Filasetta

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

Council Meeting: April 25, 2019.
May 6, 2019.

Work Session Meeting: April 25, 2019.
May 6, 2019.
May 13, 2019.

Councilmember Rau made the following amendment to the minutes stating that she was present at the April 25, 2019 work session meeting.

Councilmember Serr made a motion for approval of the minutes, as amended. Mrs. Kenley seconded the motion, and it passed with 7 ayes. Mrs. Rau was not present for the May 6, or May 13, 2019 meetings and Mrs. Kenley was not present for the April 25, 2019 meeting, they abstained from the vote for those dates.

Mrs. Andrews reported no communications received.

Chief Brown presented Officer Tracy Sommers with the John P. Kalamian *Respect For Law Award*. Officer Sommers has 20 years serving her community with the Centerville Police Department. She began her career at CPD as a dispatcher and has held several positions after becoming a police officer. Tracy has been an ALICE instructor, School Resources Officer, and

Advisor to the Centerville Police Department Explorer Program and has taken part in the honor guard. She is also active in mentoring youth in the community both on and off duty. In February 2018, Tracy received the Officer Lifesaving Award.

Mayor Compton and Councilmember Rau acknowledged the City Beautiful Commission for its exemplary efforts in hosting the Tree City, USA Southwest Ohio Annual meeting on April 26, 2019 at the Golf Club at Yankee Trace. Public Works Operations Manager Mary Lou Pence and City Arborist Joe Presutti were involved in orchestrating the logistics of the event with the City Beautiful Commission. Mayor Compton displayed one of the specially crafted centerpieces used for the luncheon. Chair, Sue Jessee and Commission members Jan Prettyman, Carol Adams, and Mary Ann Kabel all spoke about their involvement with CBC. Mayor Compton added that every city present for the luncheon received a Red Horse Chestnut tree which is the City of Centerville official tree.

Mayor Compton presented Duke Lunsford, Executive Director of the Americana Festival Board, a \$10,000 check from the City. Mr. Lunsford spoke about the history of the Americana Festival, announcing that this year's theme will be "Honoring Those That Protect And Serve Our Community" with retired Fire Chief Bill Gaul, retired Police Chief Robertson and Jeff Paparnick of Washington Township as this year's Marshalls of the parade. Americana is a 100+ member volunteer organization. The Americana Festival will begin with the Grand Marshall reception on July 3rd at 5:00 at Benham's Grove, followed by a concert at Stubbs Park and the fireworks at Centerville High School. Then on July 4th, the festivities will begin at the high school at 7:00 A.M. with a 5K run, the parade, and the street fair immediately following the parade.

The Oath of Office was administered by Mayor Compton to Joyce Ray Brown as a member of the Board of Architectural Review. Joyce previously served on the Property Review Commission whose responsibilities have recently been reassigned to the Planning Commission.

There being no Citizen's comments or petitions, Mayor Compton moved onto the Mayor's report, and covered the following items:

- Volunteer Salute held at the Golf Club at Yankee Trace on May 16, 2019 recognizing over 15,000 hours of volunteer service in the city at a value of \$24.00 per hour. The Mayor's Award For Community Service was awarded to Tom Ovington, a member of the Board of Architectural Review, the Architectural Review Preservation Visioning Committee and a volunteer in the Building and Inspection Office.
- The Mayor's Business Breakfast hosted over 150 attendees on May 15, 2019 at the Golf Club at Yankee Trace. Joann Ringer, Chief Operating Officer of Miami Valley Hospital South, Laura Mercer, Executive Director of Sinclair Community College, and County Commissioner Judy Dodge were presenters. Special awards were presented to: Large Business of the Year - Graceworks, Small Business of the Year - Minuteman Plus, and Community Partner of the Year - Bill's Donuts.
- Relay for Life took place on May 18, 2019 at Centerville High School with a team from Centerville participating.

- Congratulations to all high school graduates.
- The Summer Concert Series at Stubbs Park begins on June 2, 2019 at 7:00 P.M.
- Memorial Day service on Monday, May 27th beginning at 9:00 A.M. at Stubbs Park.
- Complimented the efforts of Centerville City staff.
- County Commissioner Judy Dodge and Carolyn Rice were present at the Mayor's Business Breakfast. Commissioner Dodge made a presentation about the grant awarded to the City of Centerville from the State of Ohio in conjunction with Montgomery County for the recycling program. Council has planned a trip to tour the recycling center in June.

Councilmember John Palcher announced the Finance Committee will be having a review meeting on Friday, May 24, 2019 at 9:30 A.M. in the Kingseed Law Library at the Municipal Building. Mrs. Rau provided a reminder about the ribbon cutting for the bike path on June 3, 2019 at 4:15 P.M. in front of Centerville High School at 500 East Franklin Street. Also, MVCC will host the Fiber Lighting Ceremony commemorating the activation of the Fiber Network ring connecting the cities of Centerville, Kettering, Miamisburg, Moraine, Oakwood, Springboro and West Carrollton on June 13, 2019 at 3:00 P.M.

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

- Complimented City Staff for all of their efforts.
- Introduced Assistant Finance Director Jenna Whipp, sitting in as Acting Finance Director for Finance Director Tyler Roark who was attending a Government Finance Officers conference in Los Angeles.
- April 29th, "Swing King" was initiated at the Golf Club at Yankee Trace which awards a \$10,000 prize to any paid participant who gets a hole in one. On April 30th, Mr. Michael James hit a hole in one at Heritage Hole Number 7. Yankee Trace is the only golf course in Ohio that offers this amenity.

Report of the Planning Commission

PUBLIC HEARING: Case P-2019-0016
Appeal of the Planning Commission For 6' Fence Variance

Mark Yandrick provided the staff presentation for an appeal of the Planning Commission, Application P-2019-0016. The applicant is Jeffery Heil and the location is 855 Fernshire Drive. The decision of the Planning Commission was for approval for a 5' foot fence, the applicant is appealing for a 6' high fence. The property is located in Red Coach South neighborhood and is adjacent to the Hidden Hills neighborhood. In the staff analysis Mr. Yandrick noted the unique property as a through lot with two public frontages, half of the rear of the house is considered front yard while other half is considered rear yard. The old fence was non-conforming, but due to its removal, has lost legal non-confirming status. The UDO requires a 5' high fence to surround a pool. Planning Commission requested the applicant to prove a physical hardship for a 6' high fence. The applicant responded that 6' is a standard height for a privacy fence but was unable to provide further hardship.

The Planning Commission approved 7-0 a 5' privacy fence with two conditions:

1. The fence shall be located on subject property and outside of the right-of-way, and
2. Upon completion of construction, the public right-of-way and private adjacent properties shall be returned to original condition to the satisfaction of City staff.

Councilmember Rau inquired about the minimum height for a fence when there is a pool on the property, and whether the 5' height was a standard in other communities. Mr. Yandrick responded that this is a standard for a property that has a pool, and to the best of his knowledge this is a widely used standard for safety issues. Mrs. Rau then asked about Homeowner Association rules and whether there were any that applied to this property. There is no HOA in Red Coach South and no homeowners association rules apply to this property. However, Mrs. Rau pointed out that the property faces the Hidden Hills neighborhood which does have a homeowners association and inquired whether that association has a requirement for swimming pools. These are private rules between the property owners and the association. Mr. Beals then asked if this was an ordinary lot would a 6' fence be acceptable. Mr. Yandrick answered in the affirmative. Mr. Beals then asked whether the City had been contacted by the Homeowners Association of Hidden Hills. The applicant has a letter from the Homeowners Association President in support of the 6 foot high fence request.

Mrs. Kenley asked for clarification of why the Planning Commission only approved the 5 foot fence instead of the 6 foot. Planning Commission was guided by the Standards for Approval for physical hardship for the property and did not affirm the property as having a proven hardship.

Mayor Compton opened the Public Hearing.

Mr. James Butts, resident of Hidden Hills, addressed Council about the unusual situation of this property. Hidden Hills is an association of 44 homes and has very specific rules. City planners anticipated problems would arise due to how the property is situated. The swimming pool has existed in the back lawn for many years. The existing barn, built about a year ago, is three to four times the size of any in that entire area. He pointed out that in about a one-year timeframe, there have been three variances. More variances will be needed. He recommends, and the Hidden Hills Owners Association would prefer, requiring a complete and proper plan rather than the piecemeal plans which have been the recent mode.

Mr. Yandrick provided an explanation the two previous variance applications. In March 2018, the applicant requested a variance for the shed in the front yard after a fallen tree had damaged the existing shed. After discovering the chain link fence had also incurred damage, another variance was requested for that repair.

Mayor Compton requested confirmation that if this appeal is approved, the property owner must restore the property in front of the fence to the condition that it was in previously. Mr. Yandrick answered in the affirmative.

Applicant Jeffery Heil, 855 Fernshire Drive, addressed Council. He began by stating that the pool on his property is situated in the rear yard. Mr. Yandrick clarified that a small portion of the concrete patio is in the front yard. Mr. Heil continued that the size of the shed being built on his property meets the City's regulations. He explained it was not until a large amount of honeysuckle was removed that it was discovered that the chain link fence was also damaged and needed to be replaced. There is currently a 6' privacy fence at the neighboring property to the north and a 6' privacy fence on the property to the southeast. He received the variance for the fence replacement with a 5' height limit. Standard privacy fence panels come at a 6' height, and this would be the only portion of his fence that would decrease to 5 feet.

Mayor Compton asked Mr. Heil if there would be problems with connectivity with the difference in height of the fence, and also inquired about safety issues around the pool. Mr. Heil addressed the aesthetic appearance of the fences being two different heights, expressed concern about safety issues for the lower level fence around the pool, and shared a comment from the Hidden Hills Homeowners Association which stated that "your proposed fence falls in harmony with our architectural guidelines."

Mrs. Kenley inquired about the proposed conditions of the landscaping around the fence. Mr. Heil stated that it would be uniform with the landscaping in the front yard. Mrs. Rau asked for clarification on the map of where the 6' fence is and where the 5' proposed fence is going.

Mr. Beals spoke to the comments of the Hidden Hills Owners Association's view of the fence, saying that having consistent heights for the fence would be a positive argument. He also asked Mr. Heil if he would be placing the fence at the proper setback from the right of way. Mr. Heil responded that a 16" wide retaining wall will be just inside of the property line, and the fence would be placed approximately 2 feet behind that. Mr. Heil stated that the neighbors have verbally indicated they are agreeable to the 6' fence, and the fence he would be using would be a high quality, resin material dark charcoal stained fence.

Mrs. Rau asked what Mr. Heil's concerns were for the 5' fence. Aesthetics are the main concern according to Mr. Heil.

Mayor Compton summarized comments by stating Mr. Heil's concerns are for safety with it being advantageous to have the 6' fence all around the pool.

Mr. Beals inquired whether Mr. Heil would or would not have access to the yard from the street behind the house to which Mr. Heil answered that there would be a gate.

Mr. Compton closed the Public Hearing.

Mr. Beals asked if Council were to decide to go for the 6' height fence did he foresee other applicants coming forward with the same request. Mr. Yandrick addressed the uniqueness of the property and this not being a problem with other properties.

Mrs. Rau commented on the request for this unique property and the need for more flexibility noting "the granting of the variance should be in harmony with the purpose and intent of the

regulations.” She indicated support of the variance because changing the heights of the fence on the property would not be in harmony. Mrs. Kenley agreed and saw the need for the appeal and the variance.

Deputy Mayor Kenley moved to approve Application P-2019-0016, Mr. Serr seconded the motion and it passed unanimously with a 7-0 vote.

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. Resolution 32-19, A Resolution Authorizing The City Manager To Enter Into A Memorandum Of Understanding With Southwestern Ohio Council For Higher Education (SOCHE) For Providing A High School Intern To Work For The City As An Independent Contractor.
- B. Resolution 33-19, 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.
- C. A Motion To Name Rory Garrity, Human Resources Manager As The City Representative For The Centerville-Washington Diversity Council, be passed.
- D. A. Motion To Adopt Revised Council Rules And Procedures, be passed.

Mr. Beals requested a further explanation for Item D., to which Mr. Liberman answered that this small revision to the City Council rules is in regards to Council’s seven standing committees. The Storm Water Review Committee was created many years ago as a special task force and Council wishes to incorporate this group into one of the standing committees. The standing committee “Streets and Highways” will now be “Streets, Highways and Drainage to which may be referred proposed legislation and other matters relating to the streets, highways, alleys, public ways, drainage issues and other matters of similar nature.”

Mr. Beals sponsored the Consent Agenda, and moved for its approval. Mr. Palcher seconded the motion; the motion carried unanimously with a 7-0 vote.

Old Business

PUBLIC HEARING: ORDINANCE 09-19
PAY ORDINANCE FOR YANKEE TRACE AND ADDITION OF ADMINISTRATOR

Human Resources Manager Rory Garrity provided the staff report for Ordinance 09-19

Purpose of this amendment is to provide for the new position of Yankee Trace Administrator, someone to act as a liaison to bridge the gap between the divisions at Yankee Trace, the City Manager's Office, and other City departments. This would appoint one of the current managers at Yankee Trace to take on additional duties.

Councilmember Engert inquired what the manager positions are at the Golf Club at Yankee Trace. Mr. Davis answered that Steve Marino is the Head Golf Pro in charge of golf operations. Terry Taylor, Maintenance Supervisor, manages and maintains the golf facilities and other infrastructure at the golf course. Jason Pajari, Supervisor of Food Services, supervises food and beverage functions.

Mr. Liberman also brought to Council attention that there are four minor scrivener's errors in the Ordinance.

Mayor Compton opened the Public Hearing. Seeing no one come forward with comments, he closed the Public Hearing.

Mr. Engert sponsored Ordinance 09-19, An Ordinance To Amend Attachment "A: Of Ordinance Number 20-18, Establishing Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Associated With The Food Service, Maintenance And/Or Golf Operations Of The Golf Club At Yankee Trace, and moved for its approval. Mrs. Rau seconded the motion; the motion carried unanimously with a 7-0 vote.

Mr. Engert extended well wishes to Centerville High School athletes specifically the boys baseball team who will be playing in District finals this week, the boys Lacrosse team is in the third round of the state tournament, and both boys and girls track compete in the Regional Finals this week.

Prior to adjourning the meeting Mayor Compton requested a motion to move into Executive Session. Mrs. Kenley made a motion to reconvene the work session into an Executive Session For The Purpose Of Personnel To Discuss Investigation Of Charges Against A Public Employee and For Property To Consider The Purchase Of Property For Public Purposes, it was seconded by Bill Serr and passed with a 7-0 roll call vote. Mayor Compton then adjourned the regular meeting at 9:05 P.M. and Council reconvened in the Kingseed Law Library for the completion of the work session meeting. The next regular meeting of City Council is scheduled to take place on Monday, June 3, 2019 at 7:30 P.M.

Approved:


Mayor

ATTEST:


Clerk of Council