

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, June 17, 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 Pastor Mark Daniels of Living Water Lutheran Church, and the Pledge of Allegiance to the flag with Mayor Compton presiding. Councilmembers and City Staff were present as follows:

Councilmembers      John Beals  
                                 Mark Engert  
                                 JoAnne Rau  
                                 Bill Serr  
Clerk of Council Carin Andrews  
City Manager Wayne Davis  
Finance Director Tyler Roark  
City Engineer Jim Brinegar  
Assistant City Manager Mariah Vogelgesang  
Economic Development Administrator Michael Norton-Smith  
Human Resources Manager Rory Garrity  
Interim City Planner Mark Yandrick  
Municipal Attorney Scott Liberman  
Community Resources Manager Kate Bostdorff

Mrs. Andrews took roll call noting that Deputy Mayor Kenley and Councilmember Palcher were absent from the meeting. Mayor Compton asked for a motion to excuse Councilmember Palcher and Deputy Mayor Kenley. Mr. Beals made a motion to excuse Mr. Palcher and Mrs. Kenley, it was seconded by Mrs. Rau and it passed with a 5-0 vote.

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

Council Meeting:          June 3, 2019.

Work Session Meeting: June 3, 2019.

Councilmember Rau made a motion for approval of the minutes, Mr. Serr seconded the motion, and it passed with 3 ayes. Mr. Beals and Mr. Engert were not present at the June 3, 2019 meetings and abstained from the vote.

The Board of Architectural Review annually honors a business or a home with the Mayor's Preservation Award. Mr. Ed Ross, Chair of the BAR, announced this year the winner of the Mayor's Award for Excellence in Stewardship, Esther Price Candies, 269 North Main Street. Ann Hadley, Manager of the Esther Price store was present as Mr. Ross and Mayor Compton presented a framed certificate and an artist's rendering of the business.

In Citizen's comments, Ms. Kay Schafer – 264 Bellingham Drive was present to inquire about any updates on the proposed Community Cats initiative that was presented at a May, 2019 meeting. She stated that she is willing to participate as a volunteer and is trained in TNR (Trap,

Neuter, Return). She has shared information with Lt. LaVigne about sprays to use to deter cats and squirrels.

Assistant City Manager Mariah Vogelgesang provided an update about the initiative stating that having stakeholders within the community is an integral part of the success of the program.

Ms. Debbie McFall 5731 Stone Lake Drive, Centerville, OH 45429 had an inquiry of Council about prohibiting solicitation in the City of Centerville.

Scott Liberman addressed the question stating that solicitation cannot be totally prohibited. However, the City of Centerville does have an Ordinance to address it and allows citizens to do certain things such as marking your residence with “no solicitation” and solicitors do need to register with the City. City Manager Davis explained that the solicitation process involves the applicant solicitor going through the Police Department for a background check. Ms. Fall inquired again whether it was possible to make it illegal to go door to door, to which Mr. Liberman stated that is not an option.

Mrs. Schaefer – 264 Bellingham Drive returned to the podium and inquired about individuals running for office.

Mr. Liberman stated that if you are canvassing for charitable reasons or campaigning for office that is allowable.

Mayor Compton moved onto the Mayor’s report, and covered the following items. The Uptown Visioning Committee has shared its report on the City of Centerville website. Mrs. Rau added that she was a member of that Committee and that a variety of participants took part in this initiative, including City Staff, Council Committees, residents, and businesses. Five structured meetings were held, brainstorming on how to improve the downtown, now the “uptown” area and create a long-term plan.

The Planning Commission shared a joint session with Council this evening at the work session at 5:30 P.M. Summer concert series is in full swing and will take place throughout the summer. Festivity schedule for the Americana Festival begins on July 3<sup>rd</sup> with the Grand Marshalls Dinner at 5:00 PM at Benham’s Grove, a Patriotic Concert at Stubbs Park at 7:00 P.M. featuring the Centerville Community Band and the Centerville Chorus, and another concert with the band Stranger followed by fireworks at Centerville High School Stadium beginning at 9:00 P.M. On the morning of July 4<sup>th</sup>, the 5K race will begin at Centerville High School at 7:00 A.M., the parade at 10:00 A.M., followed by the street fair until 5:00 P.M.

Mayor Compton concluded his report with a presentation of a plaque to Councilmember Rau commemorating the MVCC Optic Ring Lighting Ceremony. This optic ring connects seven of the eight cities that are members of MVCC. This ring is being constructed and will be managed by the Miami Valley Educational Computer Association (MVECA).

Mr. Beals talked about bikeways MVRPC was in the news last week for opening a bikeway bridge across Interstate 75.

In the City Manager's report Mr. Davis shared the following topics:

- Michael Norton-Smith, Economic Development Administrator was introduced. Mike Norton-Smith addressed Council sharing that he was formerly with Montgomery County Economic Development and has had many opportunities to work with Centerville City Staff. Mike holds a Master's degree in City and Regional Planning and a Master's in Public Administration from the Ohio State University, a Bachelor's of Science from Kent State University in Political Science and History, and is currently the President for the I70-75 Development Association.
- Mr. Steve Marino has been appointed as Yankee Trace Administrator as a component of the organization chart modification.
- Several departments and staff have assisted at various levels, aiding the communities that were impacted by the recent tornados. There is a resolution in New Business that supports this mutual aid support.

Report of the Planning Commission

PUBLIC HEARING: Case P-2019-0018

Preliminary Development – Cornerstone – Amendment 2

Applicant: Robert Hall, Cornerstone Developers

Location: Feedwire and Wilmington Pike

Mr. Yandrick provided the staff report on the Preliminary Development Plan for the Cornerstone Development. Original PDP was approved in October 2013. The two amendments before Council are an area in Phase IV to be amended to change from commercial/hotel to multi-family apartments, combining subareas D and F, reducing density slightly, and revising the tree preservation area. Proposal to remove 1.08 acres and 0.35 acres of tree preservation along Cornerstone North, replacing trees (35 trees) and maintaining a 48" in diameter American Sycamore tree. In a report done by Siebenthalers of the tree preservation area, it showed 14 significant trees found.

Planning Commission denied the application at the May 21, 2019 meeting with a 0-6 vote. Staff recommended approval with the following five (5) conditions:

1. Previous conditions of the PDP still apply.
2. Sub-area F shall be increased in area to 2.0 acres in accordance with the PDP dated August 15, 2011.
3. Amendment of the tree preservation area shall be valid upon Major Site Plan and approved Certificate of Zoning Compliance for the site on which the tree preservation area exists.
4. Trees to be preserved within the conservation areas shall be protected as described in two documents by the International Society of Arboriculture titled "Tree Care Information: Avoiding Damage During Construction" and "Tree Care Information: Treatment of Trees Damaged by Construction".

5. The Final Development for Cornerstone Phase IV shall adhere to this approved Preliminary Development Plan amendment.

Planning Commission had concerns with the following:

1. The 2019 Siebenthaler report was vastly different from the report done in 2011.
2. The new growth proposal given was two new trees versus one old tree, ratio was not high enough.
3. The tree preservation area was thought to be iconic to this development.

Mayor Compton opened the Public Hearing.

Robert Hall – Oberer Land Developers – 3445 Newmark Drive, Miamisburg, Ohio presented Council with further information regarding the proposed amendment. The amendment proposes to amend the limits of the multi-family development to include an additional 2.0 acres, and to redefine the limits of the tree preservation area on what is commonly referred to as the “age restricted living property” adjacent to I-675 to accommodate the development. Tree preservation tree removal involves .39 acres along the south side and about 0.79 acres along I-675 inboard from the I-675 buffer. Twelve notable trees would be removed, not include the ingAmerican Sycamore. The plan will replace 16 trees along the south side and 19 trees along the east side along I-675, at a ratio of 2 to 1, with the intent being to fill in the remaining tree preservation area. Previous proposal was for a 1 to 1 replacement. Drone footage was shared, demonstrating areas to remain and areas to be removed.

Mr. Engert asked Mr. Hall the size of the trees that will be replacing the 35 removed trees at a 2.5 ratio. Mr. Hall explained to Mr. Engert that the Siebenthaler reported noted that approximately 40 trees would be removed, and they are 2-2.5” caliber, or 7-8’ height for evergreens. They have had limited success with the larger trees in the past.

Mr. Beals inquired how wide the buffer is between I-675 and the planned construction unit, or the existing storm water swale and whether that was on the Oberer property, and what the storm water swale was constructed for. Some of the tree preservation area is on the ODOT right-of-way, with a 20’ setback from that right-of-way where no development can occur, according to Mr. Hall. Mr. Hall explained that the swale was constructed for the Brown Road improvements within the Cornerstone property. Mayor Compton inquired whether pipe for the stormwater would then be placed where the swale currently exists, and Mr. Hall responded that it will be located to the north of where it is now.

Councilmember Rau had several questions concerning the size of the notable trees being defined as those trees being 14” in diameter, the number of trees that are being removed, and when that would occur. Mr. Hall responded that the total number of trees that were 14” and under came to a total of about 40. In regards to removing the trees, the timing is this fall after taking into consideration any federal laws. Mrs. Rau then asked what the plan was for tree death, to which Mr. Hall answered that there is no current plan for trees that do not survive. Mrs. Rau pointed out that the trees slope into a stream and inquired whether the stormwater flow, after tree removal, been taken into consideration. Mr. Hall responded that he is certain that the Treplus Engineers will provide the appropriate stormwater pollution prevention plan. Concerns about

removing nice sugar maples, a 26" hickory tree, and other trees that are significant size were expressed by Mrs. Rau. She then inquired whether there was any consideration to a donation of trees to the other tree preservation areas. It certainly could be considered, according to Mr. Hall, and he asked if there was a number that Council would like to see.

Mr. Beals added that with the City of Centerville being a Tree City, Council's dilemma is in the removal of this acre of trees and replacing them with notably smaller trees. Following this comment, Mr. Hall offered a three to one replacement of these trees, planting them in existing tree preservation areas. Assistant City Manager Vogelgesang interjected that the area that is being discussed is not in the passive park area. Then Mayor Compton asked Mr. Hall to point out exactly where the proposed addition to the tree preservation area would be. A diagram of the tree replacement plan was shown demonstrating that the proposed additions will add to and enhance the existing tree preservation area along I-675, noting that additional trees will also be added with the development of the park, leaving a consistent tree area along the southern part of the site to be developed. With the area being removed around the 48" Sycamore, Mayor Compton asked whether there was concern about the potential damage to the tree. Mr. Hall answered that this tree was identified by Siebenthaler as a healthy tree. Also, the retention pond has been reshaped for the Treplus Community to give an even greater buffer outside of the drip line for this tree. They are hopeful that this tree will survive. There was then a discussion about where the suggested additional trees would be planted. Mr. Hall agreed that they would be amenable to working with staff regarding the 3 to 1 replacement and proposed location of these trees. It was suggested that a precise number of 35-37 trees to be planted be agreed upon.

Steven Hicks - Treplus Communities - 1515 Lakeshore Drive, Columbus, Ohio, thanked Council for meeting with them and visiting their communities in Columbus.

Mayor Compton closed the Public Hearing.

Councilmembers Rau and Beals added positive comments about the Treplus Communities and the agreement of additional trees to the tree preservation area. Mr. Engert asked whether there would be advice sought from an arborist. There are two arborists on staff at Public Works that have expressed some concern about the number of evergreens along I-675 for buffering of sound according to Mrs. Rau. Mr. Hall confirmed that there are a total of 12 evergreens being added along I-675 from the original plan brought before Planning Commission. And he also stated that Oberer Developers is comfortable working with staff in determining where the additional trees should be located.

Councilmember Serr moved to approve Application P2019-0018, the Amendment to the Preliminary Development Plan for Cornerstone Phase IV with the following conditions:

1. All previous conditions of the Preliminary Development Plat for Cornerstone North shall remain outside of the proposed amendments of this plan.
2. Sub-Area F shall be increased in area to 2.0 acres in accordance with the Preliminary Development Plan dated August 15, 2011 and any amendments.
3. This amendment of tree preservation area shall be valid only upon Major Site Plan and approved Certificate of Zoning Compliance Approved for the site on which the

Tree Preservation Area exists.

4. Trees to be preserved within the conservation areas shall be protected as described in two documents by the International Society of Arboriculture titled "Tree Care Information: Avoiding Damage During Construction" and "Tree Care Information: Treatment of Trees Damaged By Construction."
5. The Final Development for Cornerstone Phase IV Shall adhere to this approved Preliminary Development Plan amendment.
6. An additional twelve (12) trees from the submitted plan to be located within a tree preservation area as approved by City Planner.

The motion was seconded by Councilmember Beals and passed with a 5-0 roll call 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. Ordinance 12-19, An Ordinance Levying Special Assessments For The Improvement Of Public Roadways, Sidewalks, Curbs and Sanitary Mains Along The Yankee Trace Woods, LLC Property, Together With All Necessary Appurtenances Thereto, As Provided Herein To The Extent Of Available Funds. (Set For Public Hearing July 1, 2019).
- B. Reappointments: Carolyn Basford – Sister City – 3 year term.

Mr. Liberman explained that The Yankee Trace Woods, is more commonly known as "The Grove". This Ordinance to levy is part of a three step process so that collection of the SAF can begin in the year 2020.

Mr. Engert sponsored the Consent Agenda, and moved for its approval. Mrs. Rau seconded the motion; the motion carried unanimously with a 5-0 vote.

Old Business

PUBLIC HEARING: Ordinance 11-19, An Ordinance To Amend Attachment "A" Of Ordinance Number 19-18, Establishing Class Titles, Pay Ranges, Grades, Rate of Pay, And Regulations For Employees Of The City Of Centerville.

Rory Garrity, Human Resources Manager explained that the title of the Communications Resources Manager is being changed to Communications Director to more appropriately reflect the job duties of the position.

Mayor Compton opened the Public Hearing.

Seeing no one come forward to speak, Mayor Compton closed the Public Hearing.

Mr. Beals sponsored Ordinance 11-19, Mr. Engert seconded the motion and it passed with a 5-0 vote.

#### New Business

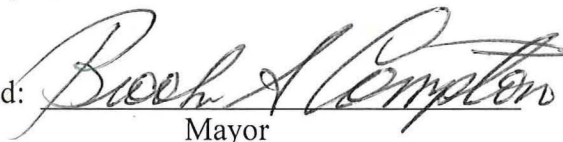
- A. Resolution 41-19, A Resolution Authorizing The City Manager To Take All Steps Necessary To Execute Mutual Aid Or Assistance Agreements With Political Jurisdictions Affected By The Memorial Day Tornadoes To Facilitate Rapid, Short-Term Deployment Of Emergency Support For Clean-Up From The Tornadoes And To Facilitate Requests For FEMA Reimbursements.

Mr. Davis provided the explanation that if reimbursements come down from FEMA the City of Centerville would be able to be reimbursed for the services that they provided at the time following the tornadoes. Hundreds of hours were given from various departments to these municipalities in the efforts of clean-up.

Mrs. Rau sponsored Resolution 41-19 and moved for its approval. Mr. Serr seconded the motion; the motion carried unanimously with a 5-0 vote.

Prior to adjourning the meeting Mayor Compton requested for Council to reconvene in their work session and asked for a motion for an Executive Session. Mr. Engert requested to move into Executive Session for Property To Consider The Purchase Of Property For Public Purposes, Mr. Serr seconded the motion and it passed with a 5-0 roll call vote. Mayor Compton then adjourned the regular meeting at 9:15 P.M. The next regular meeting of City Council is scheduled to take place on Monday, July 1, 2019 at 7:30 P.M.

Approved:

  
Mayor

ATTEST:



Clerk of Council