

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, August 5, 2019, at 7:40 P.M. in the JV Stone Council Chambers of the Centerville Municipal Building. The meeting was opened with an Invocation by Kristi Smith of Christ Church followed by 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
Human Resources Manager	Rory Garrity
City Planner	Mark Yandrick
Municipal Attorney	Scott Liberman

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

Council Meeting: July 15, 2019.

Work Session Meeting: July 15, 2019.

Deputy Mayor Kenley made a motion for approval of the minutes, Mrs. Rau seconded the motion, and it passed with 7 ayes.

There were no Communications.

Representatives Lisa Hansford, Executive Director and Mike Fanelli, Volunteer were present to provide an informational presentation video on The Castle a peer support center which supports people with mental illness and disorders to achieve their highest level of competence and independence. The Castle is located at 133 North Main Street in Centerville, Ohio. The Castle is accepting donations to pay off their building and has a private donor that is matching dollars one to one until the end of 2019. Donations may be made by contacting the Castle at 133 North Main Street, Centerville, Ohio. More information can be found on Facebook and on their website at www.friendsatthecastle.com

There being no citizen's comments or petitions, Mayor Compton moved onto Official's Reports. Under Official Reports, Mayor Compton talked about the following topics:

- Community Concert on July 28th at Stubbs Park hosted 2,000+ people and featured the Fries Band, booths from the Park District, Centerville Washington Library, Centerville Schools, Washington Township Fire Department and the Centerville Police Department.
- The tragedy of the mass shooting in the City of Dayton. Tony Miltenberger, Pastor at Restoration Church led a prayer for the audience at the Sunday evening concert at Stubbs Park and a collection was taken up for the victims and their families.
- The Washington Township Fire Department annual ice cream social, August 11, 2019 at the Station #44 on Centerville Station Road.
- Mystery Night Out, sponsored by the Centerville Police Department on Tuesday, August 6, 2019 at Stubbs Park at 5:30 P.M.

Mr. Beals talked about a performance of the Centerville Community Band held on August 4, 2019 that highlighted the chimes purchased for them by the City of Centerville.

Mr. Engert provided a report for the Centerville Washington History sharing upcoming events, "Sense of Taste" on September 5, 2019 at Benham's Grove, the Ghost Walk on October 3, 2019 and the Holiday Walk on December 1, 2019. He added that patrons at the August 4, 2019 concert contributed over \$2,100 to the victims of the shooting in Dayton. He and Mayor Compton addressed the high school students attending the meeting, stating what a wonderful place Centerville is to live.

Mrs. Kenley mentioned new and exciting marketing tactics and Facebook posts being generated by Communications Director, Kate Bostdorff and Laura Filaseta.

Mr. Palcher added that the Arts Commission is also benefiting from the ideas, initiatives and contributions of the Communications Department and Assistant City Manager Mariah Vogelgesang. He also spoke about the Finance Committee meeting and updates provided by Finance Director Tyler Roark, Assistant City Manager Mariah Vogelgesang, Assistant Finance Director Jenna Whipp and Superintendent of Taxation Emily Bair.

Mr. Beals reported on the Chevy Chase Apartment free lunches and recognized Lisa Elam of Bill's Donuts and the Centerville Police Department for their contributions to this ongoing philanthropic program that also includes a lending library.

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

- Centerville Police Department involvement in support for the City of Dayton mass shooting that included officer support and dispatch support.
- Two new police officers at the Centerville Police Department, Christian Snyder and Ben Bishop sworn in this morning.
- Fall Festival October 6, 2019 2:00 – 5:00 P.M. at Stubbs Park theme "Bringing Country To The City"
- Annual financial audit currently underway by Plattenburg and Associates
- Recognized the summer interns that have been working in the following departments:
Danielle Meyer – Human Resources and Communications
Evan West – Public Works Department
Taylor Schindler – Public Works Department

Spencer Collins – Planning Department
George Bomida – IT Support
Rachel Shal – Finance Department

- \$1M Ohio Public Works Commission grant received for Cornerstone Park

In wrapping up Officials Reports, Mayor Compton talked about Boomerfest, Saturday August 9, 2019 at Saint Leonards 8100 Clys Road from 12:00 – 10:00 P.M.

Report Of The Planning Commission

PUBLIC HEARING

Case: P-2019-0025

Applicant: Rebecca Long, Thomas Paine Woods Owner Association

Location: Clys Road, Thomas Paine Parkway and Adams Circle

Mark Yandrick provided the staff presentation for Case P-2019-0025, an appeal of a Planning Commission decision requesting a variance request for a 6' privacy fence in the front yard. Centerville Code reads that no privacy fence or fence taller than 42" shall be erected in a front yard and anything adjacent to a street is defined as a front yard. He also explained the landscape buffer yard requirements according to the Unified Development Ordinance and stated that this is not a unique property. Planning Commission's motion to approve failed by a 2-3 vote. In the discussion with Planning Commission the location of a fire hydrant was brought up and the fire department has reported back that they have a "no issue" with this.

Mayor Compton opened the Public Hearing.

Mr. Roger Snyder, 6390 Adams Circle, Treasurer for the Thomas Paine Woods Owners Association, and a resident of Thomas Paine condos for thirty years, addressed Council reading a letter prepared for Council. In the letter he stated that the City Planner's report presented for Planning Commission was inaccurate and incomplete and the Thomas Paine Woods Owners Association was appealing this decision for the following reasons:

- The proposed location for the fence is not a front yard, it is in the applicants mind a back yard.
- The Association is asking for a variance to build a fence as it is stated for a side and back yard.
- The Association did not specify a 6' privacy fence, but had asked that what the City defines as a front yard be defined as a back yard as the association sees it.

Mr. Snyder argued that the association did not ask for a 6' foot privacy fence, but asked for the area to be defined as a back yard and not a front yard. He then argued that the two catch basins prevent using trees or landscaping to solve the problem they are experiencing with traffic and pedestrians. He pointed out the location of the fire hydrant and stated there was no one from the fire department available to advise their association. He then distributed a map that illustrated the location of the fire hydrants. He proceeded to argue the need for a 6' to 7' fence due to the increased traffic on Wilmington Pike and Clys Road and cited this as a hardship.

Deputy Mayor Kenley cited the document dated July 5, 2019 application asking Mr. Snyder for clarification on his statement that the association did NOT ask for a 6' privacy fence. Mr. Snyder again stated that what the association was requesting was for what they consider the "back yard" to be defined as the "front yard" and had not specified the height of the fence. Mrs. Kenley pointed out that on the exhibit provided by Mr. Snyder the fence is indicated as a 6' foot fence.

Mr. Serr inquired what it is that has brought this request at this time from the condo association. Mr. Snyder answered the increased traffic and sound.

Mayor Compton asked Mr. Yandrick what the variance request was for. Mr. Yandrick answered that the variance request was to place a 6 foot fence in a front yard, explaining that the way a front yard is defined in the city code cannot be changed. Mr. Liberman interjected that you cannot have a variance application to define what is or is not a front yard. If the applicant wants a 3-1/2' fence, that does not require a variance. What came before Planning Commission was that the association was looking to place a privacy fence that is typically 6 feet or more in height.

Mayor Compton then inquired whether there was an area within this space where additional landscaping could be added or if additional landscaping could be placed amongst the existing landscaping.

Mrs. Rau asked whether the intent was to place the privacy fence closer to the road and outside of the existing landscaping. Mr. Snyder answered in the affirmative. Mr. Beals then inquired about the type of fence that would be permissible. Mr. Yandrick explained that chain link and open mesh are not permitted in a front yard as written in the city code and the request was specifically for a privacy fence. Mr. Snyder then spoke up to say that they would need a 7' foot fence to block the view of the traffic.

Mrs. Rau talked about evergreens and asked Mr. Snyder if they have them and asked if they provided a visual barrier. Mr. Snyder stated that the existing larger trees create a poor environment to plant new trees because they provide too much shade.

Mr. Serr asked if this variance were to be granted, would there be another opportunity for review of the type of fence and material to be used. Looking at the application, Mr. Liberman spoke stating that this case is requesting to allow a privacy fence in the front yard. There is a clear understanding of privacy fences typically being at least 6' tall. The code will only permit up to a 3-1/2 foot fence. He added that the applicant is requesting two variances.

Mayor Compton asked for confirmation that if the applicant would agree to place a 3-1/2' fence in the front yard this appeal could be dismissed. Mr. Liberman answered in the affirmative. Mr. Snyder argued that the applicant wishes to have a 6' foot or higher fence and they want the front yard to be redefined as the back yard. Mr. Liberman answered that cannot be done, this would be a change of the city code and would require rezoning.

Mayor Compton closed the Public Hearing.

Councilmember Engert asked Mr. Yandrick to explain again how this is a “front yard” as opposed to a “back yard”. Mr. Yandrick explained that the area is abutting a street and a right of way, a definition in the city’s Unified Development Ordinance.

Mr. Beals inquired as to whether this definition is affected by the fact that Adams Circle is a private street, to which Mr. Yandrick responded in the negative.

Mrs. Rau inquired about adding trees closer to the houses. That is not the desire of the association according to what was discussed at Planning Commission per Mr. Yandrick.

Mr. Engert suggested that the association make use of the City’s arborists to advise what could be planted along the property instead of a privacy fence.

Mayor Compton requested that the seven standards by which a variance is approved be displayed. He addressed Mr. Snyder stating in reviewing these standards, he cannot go along with the variance request.

Mrs. Rau moved to approve the appeal petition, Case P2019-0025 for a variance for the Thomas Paine Woods Owners Association for a 6’ privacy fence in the front yard. Mr. Palcher seconded the motion, and it failed with a 0-7 roll call vote. The application for the variance was denied.

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 51-19, A Resolution Accepting The Bid Submitted By Wolverine Seal Coating Of Jackson Michigan For The 2019 Crack Sealing Program (Project SS-2) And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- B. Resolution 52-19, A Resolution Enacted By The City Of Centerville, Herein After Referred To As The “Local Public Agency”, Of Montgomery County, Ohio, In The Matter Of Participation In The ODOT Bridge Inspection Program (PID No. 109334).
- C. Resolution 53-19, A Resolution Authorizing The City Manager To Enter Into A Cooperative Agreement With The Board Of Montgomery County Commissioners For The Distribution Of Funding On An Ohio Public Works Commission’s State Capital Improvement Program Grant And Loan And Authorizing The Montgomery County Commissioners To Submit A Joint Application For The Ohio Public Works

Commission's State Capital Improvement Program Grant And Loan For the Sheldon Avenue Water Line Replacement Project.

Councilmember Beals sponsored the Consent Agenda, and moved for its approval. Mr. Engert seconded the motion and it passed unanimously with a 7-0 vote.

There being no Old Business Mayor Compton went on to New Business.

New Business

Mayor Compton read the Resolution regarding PACE financing into record.

- A. Resolution 54-19, A Resolution To Approve The Petition For Special Assessments For Special Energy Improvement Projects Under Ohio Revised Code Chapter 1710 And Approve The Necessity Of Acquiring, Installing, Equipping, And Improving Certain Public Improvements In The City Of Centerville, Ohio In Cooperation With The Dayton Regional Energy Special Improvement District (809-896 South Main Street Project).

Economic Development Administrator, Michael Norton-Smith provided an explanation to Council on the Property Assessed Clean Energy (PACE) financing, a unique economic development tool available to businesses in Centerville to assist them with energy efficient upgrades to their facilities. This resolution addresses three parcels located at 809 South Main Street, the improvement being a new energy efficient roof and insulation. If the petition is approved, the owner would come back with an Ordinance to Proceed and an Ordinance To Access to allow for payback of the improvement over a twenty-four (24) year period. The savings from the improvements basically pay off the financing over the life-time.

Mr. Beals inquired as to whether the PACE program was a state program or a federal funded program. Mr. Norton-Smith replied that it is through the State of Ohio and Mrs. Kenley confirmed that it is a federal program that states have adopted. Mr. Michael Costantini, 3CRA Commercial Real Estate, Managing partner of the management company representing the owner of the building read a letter to Council requesting support of the PACE re-roofing and insulation project for Centerville Shopping Center at 890 South Main Street.

Mr. Beals sponsored Resolution 54-19 and moved for its approval. Mrs. Kenley seconded the motion and it passed unanimously with a 7-0 vote.

Prior to adjourning the meeting Mayor Compton requested Council to reconvene in their work session and asked for a motion for an Executive Session. Mr. Bill Serr requested to move into Executive Session to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic assistance, or to negotiate with other political subdivisions respecting requests for economic development assistance, and personnel. Mr. Davis asked to amend the motion by adding Collective Bargaining for reviewing labor negotiations. Mr. Serr amended the motion, Mrs. Rau seconded the motion and it passed with a 7-0 roll call vote.

Mayor Compton invited several Centerville High School students attending the meeting for an AP Government class at Centerville High School to the podium to introduce themselves.

Mayor Compton adjourned the regular meeting at 9:25 P.M. The next regular meeting of City Council is scheduled to take place on Monday, August 19, 2019 at 7:30 P.M.

Approved: *Brook A Compton*
Mayor

ATTEST: *Carin K. Andrews*
Clerk of Council

