

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, February 19, 2018, at 7:30 P.M. in the Council Chambers of the Centerville Municipal Building. The meeting was opened with an Invocation given by Reverend Kirk Lithander from Fairhaven Church, followed by The Pledge of Allegiance to the Flag, with Mayor Brooks 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	Jonathan Hudson
Economic Development Director	Nathan Cahall
Public Works Director	Doug Spitler
City Engineer	Jim Brinegar
Interim Human Resources Manager	Kathy Weisgarber
Assistant to the City Manager	Kristen Gopman
Community Resources Coordinator	Maureen Russell Hodgson
Municipal Attorney	Scott Liberman

Mayor Compton requested that a moment of silence be observed for the Westerville community suffering the tragic loss of the two police officers who died serving their community and for the Parkland, Florida community suffering the tragic loss of 17 lives in the deadly shooting at Marjory Stoneman Douglas High School.

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

Council Meetings:	January 22, 2018.
	February 5, 2018.

Work Session Meetings:	January 22, 2018.
	February 5, 2018.
	February 12, 2018.

Mr. Serr made a motion for approval of the minutes, as distributed. Mr. Palcher seconded the motion, and it passed with 7 ayes. Deputy-Mayor Kenley abstained from the vote on the minutes of the work session on February 12, 2018.

In communications, Mrs. Andrews read a letter of resignation from Marilou Enslein of the City Beautiful Commission. Mayor Compton extended appreciation to Mrs. Enslein for her service.

Mayor Compton presented a certificate to Eagle Scout Michael Francis DiMisa. The Mayor congratulated Michael and his parents, before Michael shared information about his Eagle project.

Ms. Jessie Stanley, 6281 Karlsridge Drive, gave a presentation for Relay for Life, a fundraising event for the American Cancer Society at Centerville High School from 2:00 P.M. on Saturday, May 19, 2018 to 8:00 A.M. on Sunday, May 20, 2018.

Community Resources Coordinator Maureen Russell Hodgson discussed the 50th Anniversary of the City of Centerville. She provided a brief history of how Centerville became a municipality in 1968, before enumerating some of the activities planned throughout 2018 in celebration of this important milestone.

There being no Citizens Comments or Petitions, Mayor Compton moved to the items in the Mayors Report and asked Deputy-Mayor Kenley to read a Proclamation received from the Ohio Senate acknowledging Centerville's 50th anniversary. Next he recognized Chief Bruce Robertson's retirement with a slideshow highlighting the Chief's 40 years of service in the Centerville Police Department. Mayor Compton ended his report with updates on developments within the City, including the hotel at Cornerstone and the "The Allure" complex on Loop Road.

Councilmembers shared information with the community in Council Committee Reports. Deputy-Mayor Kenley spoke about a joint meeting with the Business Development Task Force and the Economic Development Committee on February 6, 2018. Mrs. Rau commented on the Strategic Plan and its potential impact on the various committees and commissions. Mr. Palcher advertised Art at the Trace on February 24 from 6:30 PM to 9:00 PM., before Mr. Beals shared that the Rec West speaker series will feature Michael Williams on Tuesday, February 20 at 6:30 P.M., that the Washington Township Recreation Board will have a 1 mill levy on the ballot in May, and that the Miami Valley Regional Planning Commission will host its Annual dinner meeting on April 12 at the Dayton Marriott. MVRPC has given the City of Centerville a "recommended" designation for future I-675/Wilmington Pike interchange improvements. In ending, Mayor Compton announced that Mrs. Rau was named Chair of the Board of the Miami Valley Communications Council for 2018.

In the City Manager's report, Mr. Davis gave updates on a number of topics. He announced Mrs. Gopman is leading the team reworking the City's website. The team is helping a consultant determine content and helping to create the new site. Mr. Davis announced the City is interviewing candidates for the position of Human Resources Manager and shared Council had prioritized the following six areas in the Strategic Planning process: Planning, Economic Development, Core Services, Finance, Technology, and Infrastructure and Housing. These six areas will be discussed at the Council retreat on Saturday, March 3 at Yankee Trace.

With no agenda items from the Planning Commission, 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 are considered after the motion and vote on the Consent

Agenda. The Mayor pulled Item J. from the Consent Agenda for separate vote, at the request of Councilmembers.

Councilmembers took turns reading the Consent Agenda into the record as follows:

- A. An Ordinance Amending Section 224.01 Of The Centerville Municipal Code For The Listing Of The Posting Places For Ordinances And Resolutions Within The City Per The City Charter. (Set For Public Hearing March 19, 2018)
- B. An Ordinance To Make Administrative Non-Substantive Changes To Article VII, Section 8.11, Emergency Appropriations, Of The Charter Of The City Of Centerville. (Set For Public Hearing March 19, 2018)
- C. Resolution Number 11-18, A Resolution Accepting The Bid Submitted By Adleta, Inc. Of Cincinnati, Ohio For The 2018 Concrete Program (Project SS-1) For Concrete Repair On Streets And Sidewalks And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- D. Resolution Number 12-18, A Resolution Accepting The Bids Submitted By A To Z Lawn And Landscaping, Inc. Of Dayton, OH And Ohio Irrigation Lawn Sprinkler Systems Inc. Of Dayton, OH, For The Maintenance Of Certain Specified City Properties During 2018 And 2019 Throughout The Community And To Authorize The City Manager To Enter Into Contracts In Connection Therewith.
- E. Resolution Number 13-18, A Resolution Accepting The Bid Submitted By L.J. DeWeese Co., Inc. Of Tipp City, Ohio For The 2018 Bethel Road Improvements Project – Phase 2- (Project SS-1) And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- F. Resolution Number 14-18, A Resolution Declaring It Necessary To Construct And Install 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.
- G. Resolution Number 15-18, A Resolution By The Centerville City Council Extending The Moratorium For A Period Of Six Months (180 Days) On The Granting Of Any Certificates Of Registration Or Permits Allowing The Construction Or Operation Of A System Or Facility For Wireless Communications Facilities Within The City Of Centerville's Public Rights-Of-Way Pursuant To Chapter 1080 Of The City Of Centerville Municipal Code.
- H. Resolution Number 16-18, A Resolution Authorizing The City Manager To Enter Into A Geographical Information System (GIS) Five Year Consortium Agreement With The Centerville-Washington Park District.

- I. Resolution Number 17-18, A Resolution Authorizing The City Manager To Enter Into A Memorandum Of Understanding With Miami Valley Communications Council, City Of Kettering, City Of Miamisburg, City Of Moraine, City Of Oakwood, City Of Springboro And City Of West Carrollton For Construction And Maintenance Of A Broadband Fiber Network, be passed.
- J. *Resolution Number 18-18, A Resolution Authorizing The City Manager, On Behalf Of The City Of Centerville, To Enter Into A License And Services Agreement With Tyler Technologies, Inc. For Financial Software System And Services.*
- K. Resolution Number 19-18, A Resolution Authoring The City Manager To Enter Into A Cost Participation Agreement Between The City Of Centerville And Washington Township Relating To The Resurfacing Of West Spring Valley Road.
- L. Resolution Number 20-18, A Resolution Authorizing The City Manager To Enter Into An Engagement Agreement With DSD Advisors, LLC For Consulting, Advocacy And Advisory Services.
- M. Reappointments: Arlene Tansey - City Beautiful Committee - 3 year term.
Judy Budi - School Personnel Appeals Board – 3 year term.

Councilmembers requested brief explanations of some of the agenda items. Public Works Director Doug Spitler outlined the 2018 concrete program for the repair of concrete, curb, gutter, sidewalk, storm sewer, and catch basins for numerous streets throughout the city. Completion dates are listed as May 1, 2018, June 15, 2018, and November 30, 2018. The dates for work on specific streets will be posted on the City's website.

Mr. Davis explained Item H., the consortium agreement with the Centerville-Washington Park District allowing the park district to use the City's GIS resources. Mrs. Rau touched on Item I., which will allow the Miami Valley Communications Council to move forward with the construction of the fiber optic ring encircling the south Dayton suburbs. The fiber optic ring will offer economic development opportunities, assist criminal investigations and offer back-up for safety systems.

Mrs. Kenley sponsored the Consent Agenda as read, excluding Item J., and moved for its approval. Mr. Engert seconded the motion; the motion carried unanimously, 7-0.

Mayor Compton recused himself from the consideration of the issue of Item J. and left Council Chambers. Deputy Mayor Kenley read Item J., which would allow the City Manager to enter into a license and services agreement with Tyler Technologies for a Financial Software System and related services. Mr. Davis explained the benefits of the ERP system, and Mr. Hudson stated, after carefully considering four companies, the City chose this vendor for the ERP system, which will enhance services for residents and significantly increase efficiency for staff. In the long run, the City will see cost savings following the investment in the new system.

Mr. Beals sponsored Item J., Resolution Number 18-18, A Resolution Authorizing The City Manager, On Behalf Of The City Of Centerville, To Enter Into A License And Services Agreement With Tyler Technologies, Inc. For Financial Software System, and moved for its approval. Mr. Palcher seconded the motion. The motion passed 6-0.

Upon re-entering the meeting, Mayor Compton called a ten-minute break. The meeting reconvened with Old Business.

PUBLIC HEARING: ORDINANCE 04-18
UDO TEXT AMENDMENT: ADMINISTRATION AND DEFINITIONS

Mr. Rodney provided the report for Ordinance 04-18, An Ordinance amending Sections 1.17, 3.17 and 11.02 of the Centerville Municipal Code. The proposed changes reflect best practices, current departmental policies, previous PC decisions, and City Council priorities. The Ordinance removes superfluous *days* language from Article 1 and clarifies that *days* is defined solely within the Definitions of UDO Article 11. The Ordinance also modifies definitions for *light manufacturing*, *number of days* and *start of construction*.

The City Planner fielded questions. When Mr. Beals inquired whether the specification of square footage had been eliminated for light manufacturing, Mr. Rodney answered in the affirmative. Mayor Compton asked for clarification on the number of days that a building permit was valid. Mr. Rodney explained a building permit is valid for one year, yet in the zoning code a permit is valid only for 6 months. The update would make each one valid for one year.

Mayor Compton opened the public hearing, and, seeing no speakers, he closed it.

Mr. Beals sponsored Ordinance No. 04-18, An Ordinance Amending Ordinance No. 14-08, Chapter 1216, Sections 1.17, 3.17 and 11.02 Of The Centerville Municipal Code, The Unified Development Ordinance For The City Of Centerville, Ohio, To Amend Regulations For General Provision, Administration, And Definitions, and moved for its approval. Mr. Palcher seconded the motion. The motion passed unanimously, 7-0.

PUBLIC HEARING: ORDINANCE NO. 05-18
UDO TEXT AMENDMENT: DEVELOPMENT PROCEDURES

Mr. Rodney presented on Ordinance No. 05-18, An Ordinance Amending Ordinance 14-08, Chapter 1216, Sections 5.06, 5.09, 5.11 and 5.13 Of The Centerville Municipal Code. He listed the following proposed changes that were recommended unanimously by Planning Commission:

- Removal of the requirement for newspaper publication of hearing notices for Development Plans, Conditional Uses, Variances, Appeals, Landmarks, or Council review of Major Site Plan cases.
- Addition of a Standard of Approval requiring that staff and Planning Commission determine consistency with the comprehensive plan and other approved plans during the review of Development Plans.

- Addition of administrative reviews by staff for new non-residential (commercial) principal buildings under 1,000 square feet rather than requiring Planning Commission reviews.
- Addition of review by Planning Commission of accessory structures of more than 250 square feet in multi-family zones.
- Other significant modifications to Section 5 were adding a process for approving proposed street name changes and the ability for the City to seek reimbursement of fees and expenses for outside expert consultants, when needed for the proper review of development plans.

Mayor Compton opened the public hearing, and, seeing no speakers, he closed it.

Mrs. Rau sponsored Ordinance No. 05-18, An Ordinance Amending Ordinance 14-08, Chapter 1216, Sections 5.06, 5.09, 5.11 and 5.13 Of The Centerville Municipal Code, The Unified Development Ordinance, For The City Of Centerville, Ohio, To Amend The Regulations For Development Procedures, and moved that it be passed. Mr. Engert seconded the motion. The motion passed 7-0.

PUBLIC HEARING: ORDINANCE NO. 06-18
UDO TEXT AMENDMENT: REGULATIONS FOR ZONING DISTRICTS

Mr. Rodney explained Ordinance No. 06-18 would remove superfluous language from the NR, Neighborhood Residential Overlay District description, such as minimum development acreage.

Mayor Compton opened the public hearing, and, seeing no speakers come forward, he closed it.

Mrs. Kenley sponsored Ordinance No. 06-18, An Ordinance Amending Ordinance No. 14-08, Chapter 1216, Section 7.23 Of The Centerville Municipal Code, The Unified Development Ordinance, For The City Of Centerville, Ohio, To Amend Regulations For Zoning Districts and moved that it be passed. Mr. Serr seconded the motion. The motion passed 7-0.

PUBLIC HEARING: ORDINANCE NO. 07-18
UDO: TEXT AMENDMENT: REGULATIONS FOR DEVELOPMENT STANDARDS

Updates for Section 9 of the UDO were the most numerous. Mr. Rodney shared the following substantive changes:

- Increase the maximum base Gross Floor Area in O-S and B-1 districts from 7,500 to 10,000 square feet and permit up to 15,000 square feet of GFA (from 10,000) under specific conditions
- Eliminate the maximum Gross Floor Area of 5,000 square feet in the Architectural Preservation District (APD)
- Permit the use of grass pavers to access residential side yard vehicle parking areas

- Add “finished metal” as a permitted siding material for residential accessory structures under 200 square feet
- Add new requirements for outdoor storage and display of materials, goods, supplies, or equipment
- Modify how the UDO regulates and measures the brightness of electronic message centers (EMCs)
- Permit full-color graphics and images to be displayed on EMCs
- Expand the use of projecting signs along with ground signs in the Architectural Preservation District
- Eliminate the requirement limiting colors for signs in the APD to those on the Sign Color Chart in the *Design Review Criteria*
- Give the City Planner authorization to approve alternative sign materials administratively

When Mr. Palcher asked for a definition of “finished metal”, Mr. Rodney described it as any type of metal with a gauge of at least six or seven, which has been coated or painted. He stated wood and metal sheds are fairly comparable in price at local home improvement retailers.

Questions and concerns about permitting metal sheds followed. Mayor Compton expressed that a metal shed is not consistent with the materials used on the house. Mr. Beals verified the Unified Development Ordinance required the materials used for sheds of more than 200 square feet to be architecturally consistent with the house. When Mr. Beals asked about the same requirement for sheds under 200 square feet, Mr. Rodney stated concern about creating additional burdens for property owners. After clarifying the City required permits for sheds of all sizes, Deputy-Mayor Kenley stated she did not feel metal clad sheds were appropriate for the neighborhoods of Centerville. Mr. Engert interjected that he could see the potential for damage to metal siding that was difficult or impossible to repair.

Mayor Compton opened the public hearing, and, seeing no speakers come forward, he closed it and asked for additional comments from Council.

Mr. Beals turned the attention of the group to electronic message centers and asked the length of time the message must remain the same before it is permitted to change. Mr. Rodney stated a message must be static for ten minutes. When Mr. Beals inquired whether Planning Commission would consider a shorter length of time, Mr. Rodney suggested considering the issue in next year’s updates, but Mr. Beals stated he would like to see the hold time for messages on electronic signs addressed this year. After thorough discussion, it was determined there had not been any queries or complaints regarding the current length of time for a message to remain the same. While Council discussed the procedure for amending and passing the Ordinance, Mr. Beals expressed his preference for a more extensive investigation of the issue of the EMCs prior to a final vote on Ordinance Number 7-18.

Mr. Liberman stated the proposed amendment was substantive and the amended Ordinance needed to be set for a separate Public Hearing.

Mr. Serr sponsored Ordinance No. 07-18, An Ordinance Amending Ordinance No. 14-08, Chapter 1216, Sections 9.05, 9.07 9.25, 9.29, 9.35, 9.39, 9.51, And 9.53 Of The Centerville

Municipal Code, The Unified Development Ordinance For The City Of Centerville, Ohio, To Amend Regulations For Development Standards. Mrs. Kenley seconded the motion. Prior to any vote, Mr. Serr then moved to amend Section 9.39 8 a. to remove the words "finished metal." Mr. Palcher seconded the motion and it passed unanimously. Mr. Serr then motioned to table Ordinance 07-18 as amended to the meeting on April 16, 2018. Mr. Palcher seconded the motion, and the motion passed 7-0.

PUBLIC HEARING: ORDINANCE NO. 08-18
DESIGNATION OF THE CITY TREE

Noting the idea of designating an official city tree originated with the 50th Anniversary Planning Committee, Mr. Spitler provided the staff presentation for Ordinance 08-18. He stated the adoption of a city tree would require an ordinance amending Chapter 204, Section 204.03 of the Municipal Code. Discussions with the staff arborists, the City Beautiful Commission, and the Ohio Department of Natural Resources' urban forester led to a recommendation to name the Red Horse Chestnut (*Aesculus X Carnea 'Briotii'*) as the city tree. The species is an attractive, red-flowering deciduous tree with a mature height of 30 to 40 feet. It is best known for its dark-red flowers in spring. Staff noted Arbor Day will be celebrated on April 18, 2018 at Stubbs Park, and the City will plant 50 trees in celebration of its 50th anniversary. Twenty to twenty-five of these trees will be Red Horse Chestnuts.

Mr. Spitler added that the City of Centerville was proud to have been named a Tree City USA member for 31 consecutive years, and Centerville will be the host city for the 2019 Annual Tree City USA Awards Program in April 2019.

Mayor Compton opened the public hearing, and, seeing no speakers come forward, he closed it.

Mr. Beals sponsored Ordinance No. 08-18, An Ordinance Adopting New Section 204.03 Of The City Of Centerville Codified Ordinances To Designate The Red Horse Chestnut Or *Aesculus X Carnea "Briotti"* As The City Tree, and moved that it be passed. Mrs. Rau seconded the motion. The motion passed 7-0.

NEW BUSINESS

EMERGENCY ORDINANCE NO. 12-18
EMERGENCY ORDINANCE TO AMEND CHAPTER 885, EARNED INCOME TAX

Mr. Davis explained this legislation was needed due to litigation fighting House Bill 49, an attempt by the state to interfere with the collection and maintenance of the city's earned income tax. The City of Centerville was part of a consortium of local governments, which filed litigation currently in front of Judge Cain of the Franklin County Common Pleas Court. Judge Cain issued a temporary restraining order blocking the mandates of House Bill 49 related to the centralized collection of local income taxes, and he is scheduled to render his decision prior to the next Council meeting.

Municipal Attorney Scott Liberman stated some sections of the Centerville tax code were updated in November to bring the City into general compliance. The remaining sections of the tax code, which deal with centralized income tax collection, are before Council tonight and will be needed to keep the City in compliance with state law should the judge uphold all of House Bill 49. Mr. Liberman recommended Council approve the Emergency Ordinance, because the City needed to be in compliance with state law, or it risked invalidating its entire income tax code.

Mrs. Kenley sponsored Ordinance No. 12-18, An Emergency Ordinance To Amend Chapter 885, Earned Income Tax, Of The Centerville Municipal Code, and moved that it be passed. Mrs. Rau seconded the motion. The motion passed 6-1 with Mr. Palcher voting no.

There being no further questions or business, Mayor Compton adjourned the meeting at 10:24 P.M. with the next meeting of City Council being on Monday, March 19, 2018 at 7:30 P.M.

Approved: Bruce A. Compton
Mayor

ATTEST: Carin R. Andrew
Clerk of Council

