

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, May 21, 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 Steven Schuum of Southminster Presbyterian Church and 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
City Planner	Andrew Rodney
Public Works Director	Doug Spittler
City Engineer	Jim Brinegar
Assistant to the City Manager	Kristen Gopman
Human Resources Manager	Jennifer Brumby
Community Resources Coordinator	Maureen Russell Hodgson
Municipal Attorney	Scott Liberman

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

Council Meetings: April 16, 2018.
 May 14, 2018.

Work Session Meetings: April 16, 2018.
 May 7, 2018.

Deputy-Mayor Kenley made a motion for approval of the minutes as distributed. Mr. Beals seconded the motion, and it passed with 7 ayes. Mrs. Rau abstained from voting on the minutes of May 7, 2018.

Interim Police Chief Matt Brown presented Lifesaving Awards to Officer Ed Skinner, Officer Tracy Sommers and Ms. Corey Davis. Their quick actions in administering CPR by using a Lucas Chest Compression machine and an AED saved a life at the scene where a citizen collapsed on Revere Village Drive. Chief Brown presented Officer Skinner and Officer Sommers Lifesaving Award certificates and Lifesaving pins. He gave a certificate to Ms. Davis. Chief Brown then honored Officer Faupo Lauofo with the John P. Kalaman Employee of the Year Award and detailed Officer Lauofo's positive attitude, professionalism and kindness toward fellow officers and co-workers.

Mr. Duke Lunsford, Executive Director of the Americana Festival, accepted the City's \$10,000 check in support of the annual 4th of July event. He announced Mrs. Joyce Young will be the Grand Marshall for this year's parade that has the theme, "Working Together,

Growing Together, Celebrating Together.” He announced some schedule changes for this year’s holiday at home. Most notably, fireworks will take place at 10:00 P.M. on Tuesday, July 3 at Centerville High School.

Mr. Thomas A. Hut from Public Health of Dayton and Montgomery County provided a presentation on the county’s mosquito control program, which includes surveillance, source reduction, larval control, adult control and public education. Mr. Hut detailed mosquito-borne diseases in Ohio, including Eastern Equine Encephalitis, La Cross Encephalitis, St. Louis encephalitis and West Nile Virus. At the conclusion of Mr. Hut’s presentation, Mayor Compton invited resident Julia Gourley, 426 Cedarleaf Drive, to the podium. Mrs. Gourley expressed her gratitude to Council for bringing attention to mosquito-borne illnesses and encouraged all to protect themselves against mosquitos. In 2013, her husband was infected with the West Nile Virus from a mosquito bite. The illness has caused long-term health challenges for him.

Mr. Surinder Jain came to the podium, and Mayor Compton administered the Oath of Office to him as a member of the Sister City Committee.

When there were no Citizens Comments or Petitions, Mayor Compton proceeded with the Mayor’s Report. He mentioned the Mayor’s Business Breakfast; the Relay for Life with former Mayor Mark Kingseed as a speaker, and the Volunteer Salute. This year’s Volunteer Salute was held on Thursday, May 17 at Yankee Trace to honor the many volunteers who donate their time and talent to the City. The recipient of the Mayor’s Community Service Award, Mr. Phillip McLaughlin, had served for 50 years on various committees. The Mayor also reported on the City of Centerville Day at the Dayton Dragons game on June 10, 2018, as well as other 50th anniversary activities.

Mr. Palcher announced the Summer Concert Series will begin on June 3 at Stubbs Park and will feature 16 free concerts over the course of the summer. Deputy-Mayor Kenley thanked business members who attended the Mayor’s Business Breakfast and speaker Joann Ringer of Miami Valley Hospital South. Mr. Beals reported the Miami Valley Regional Planning Commission had created maps of the area bikeways, and the Sister City Committee was actively organizing the next German-American Partnership Program (GAPP) program, which will welcome students from Bad Zwischenahn, Germany for a ten-day cultural exchange. Mayor Compton noted that Mr. Beals had been named First Vice-President of the Miami Valley Regional Planning Commission. Mrs. Rau shared City Beautiful members and Ruth Compton recently planted the flower beds in downtown Centerville. Mrs. Rau also noted Miami Valley Communications Council continued its work on the fiber optic ring. Mr. Engert spoke about the Centerville High School Men’s Baseball team, which was progressing to the Sweet 16 in the statewide baseball tournament the coming week-end.

In the City Manager report, Mr. Davis gave updates on the search for a Police Chief, Economic Development Administrator and Assistant City Manager. He complimented Finance Director Jonathan Hudson for completing the Comprehensive Annual Financial Report six weeks ahead of schedule and receiving no recommendations or citations on the annual state audit.

Mr. Serr recused himself from the Report of the Planning Commission for Council's review of an amendment to the Final Development Plan of Cornerstone North, Phase III.

PUBLIC HEARING: Case P-2018-0010
Amendment to Final Development Plan Cornerstone North, Phase III

Mr. Rodney gave the staff report on Application P-2018-0010 submitted by Robert Hall of Cornerstone Developers to amend the layout of Phase III adopted in the Final Development Plan of July 2015. Mr. Hall requested changes to accommodate a large restaurant in the Village area whose site plan would involve relocating a retail/restaurant site along Wilmington Pike for a better "view corridor" and eliminating three smaller village center buildings. Components of the original FDP approval which would remain included mounding/landscaping, parking lot lighting, stormwater management requirements, exterior materials, the general color palette and architectural design elements.

Staff analysis showed the primary changes would be revising the proposed building layout for the undeveloped portions of Phase III, adding parking spaces to serve this new user and relocating a Retail/Restaurant away from the Cornerstone North/Village Center intersection for a "view corridor" to the new restaurant building. Staff noted the change from a smaller scale and more intimate feel to larger venue with associated parking and a less pedestrian-friendly atmosphere. The Planning Commission recommended approval of the amendment to the Final Development Plan, by a 5-2 vote, subject to the following 7 conditions:

1. This Final Development Plan Amendment shall conform to the adopted Preliminary Development Plan and all conditions therein as determined by the City Planner.
2. All lots shall be subject to Major Site Plan review.
3. The final location of all buildings, parking, landscape areas, and related items shall generally conform to this Final Development Plan.
4. All relevant conditions of the prior Final Development Plan approval (P-2015-0030) shall remain in effect.
5. Return the proposed "Future Retail/restaurant building at the northwest corner of Cornerstone North Boulevard and Village Center Drive to the intersection corner per the adopted Phase III FDP or provide a pedestrian-oriented feature at the intersection.
6. Implement intersection control measures meeting current engineering and safety standards per the City Engineer.
7. Provide revised stormwater calculations and exhibits to the satisfaction of the City Engineer.

Mayor Compton opened the Public Hearing.

Mr. Beals inquired about the two negative votes of the Planning Commission. Mr. Rodney stated that the two nay votes on this issue did not speak or express an opinion on this issue at the Planning Commission meeting. Mrs. Rau asked for an explanation of the need to move the building on Cornerstone Boulevard northward.

When Mayor Compton opened the public hearing, Mr. Robert Hall of Oberer Land Developers at 3445 Newmark Drive in Miamisburg explained that the proposed user is demanding increased visibility from Wilmington Pike. He also stated moving the corner lot's building northward would improve walkability for the guests of the hotel and the visitors at the park. Saying the developer had addressed many of the staff's concerns, he requested City Council eliminate Condition #5. He pointed out the walkway from Cornerstone North Blvd. to the village plaza near the upscale restaurant and stated the most of the concerns generating the condition had been resolved. Mr. Hall highlighted the pedestrian walkway, the curbed island and a valet lane in front of the restaurant.

Mr. Beals inquired about the location of the valet parking lot, about the purchaser of the buildings immediately to the south of the hotel, about pedestrian access bringing in foot traffic and about accessibility to the restaurant from the walkway at the park. Mr. Hall responded there were no users for the two buildings to the south that he could name at this time. The developer believed the primary foot traffic would be from the north side of the development and the hotel, although the restaurant will be accessible from the walkway. Mr. Beals expressed concerns about pedestrian safety and pointed out the need for well-defined pedestrian areas. When Mr. Beals asked whether the large restaurant would hinder the occupancy of the other Village Center buildings, Mr. Hall replied it was his belief it would not.

Mayor Compton, referring to Mr. Hall's earlier assertion, queried whether the developer had addressed the pedestrian-oriented feature at the intersection. Mr. Rodney explained that staff's original intention was to provide easy access throughout the Village. With the proposed amendment to the plan, Planning Commission asked for a similarly comfortable pathway to be provided. The developer is presenting this plan as an alternative.

When Mrs. Rau asked if the building on Cornerstone North Blvd. would have multiple users or a single user, Mr. Hall stated the building would have a single tenant. She asked if this was the only design the user would consider, and Mr. Hall stated the design was what the user felt was necessary for moving forward, since it oriented the building to the intersection with better visibility from Wilmington Pike.

Mayor Compton summarized that the developer was asking for condition #5 to be removed after enhancing landscape islands, relocating the pedestrian walkway and eliminating some parking stalls to address the pedestrian-oriented feature, which Planning Commission had required in the condition. The developer wished to stay away from additional plan iterations.

Final clarifications followed. Mayor Compton confirmed that vehicles could drive through the northwest corner of the enhanced pedestrian area. Mr. Beals verified there were three pedestrian access points and aerators in the pond.

When Mayor Compton closed the Public Hearing, Mrs. Kenley moved to approve Application P-2018-0010, striking Condition 5 and retaining the following conditions recommended by the Planning Commission:

1. This Final Development Plan Amendment shall conform to the adopted Preliminary Development Plan all conditions therein as determined by the City Planner.
2. All lots shall be subject to Major Site Plan review.
3. The final location of all buildings, parking, landscape areas, and related items shall generally conform to this Final Development Plan.
4. All relevant conditions of the prior Final Development Plan approval (P-2015-0030) shall remain in effect.
5. Implement intersection control measures meeting current engineering and safety standards per the City Engineer.
6. Provide revised stormwater calculations and exhibits to the satisfaction of the City Engineer.

Mr. Engert seconded the motion, and it passed with a 6-0 vote.

Mr. Serr returned to the Council dais at this time.

Mayor Compton noted that it was Motorcycle Awareness month, before moving to the Consent Agenda and explaining it contained routine procedural and administrative matters the Council had discussed in Work Sessions. Councilmembers read the following Consent Agenda items into the record:

- A. Resolution No. 29-18, A Resolution Accepting The Bid Submitted By Strawser Construction, Inc. Of Columbus, Ohio For The 2018 Crack Sealing Program (Project SS-1) And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- B. *Resolution No. 30-18, A Resolution Authorizing The City Manager To Grant An Easement, On Behalf Of The City of Centerville, To The Vectren Energy Delivery Of Ohio, Inc. (VEDO) For The Installation And Maintenance Of Underground Gas Service May Be Provided To Bethany Lutheran Services (Graceworks).*
- C. Resolution No. 31-18, A Resolution Authorizing The City Manager To Enter Into A Customer Service Agreement With Rumpke Of Ohio, Inc. For Processing Of Delivered Single Stream, Comingled Residential Recyclables For The City Of Centerville.
- D. Resolution No. 32-18, A Resolution Enacted By The City Of Centerville, Montgomery County, Ohio, Hereinafter Referred To As The Legislative Authority/Local Public Authority In The Matter Of The Stated Described Project PID No. 97667, For Paving S.R. 725 (Alex-Bell Road) From Loop Road To The Greene County Line.
- E. Resolution No. 33-18, 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.

- F. Reappointments: Bill Etson – Planning Commission – 4 year term.
Ed Ross – Chair – Board of Architectural Review – 1 year term.

Mr. Serr requested that Item B. be removed from the Consent Agenda and considered separately so that he could recuse himself from the vote on that item.

When Mrs. Rau asked for a review of Item C., Mr. Spitler explained the audit done by Rumpke Waste in March on recyclables from the City of Centerville noted the cleanliness of the City's recyclables and low amount of residuals. Residuals are items that people think are recyclable that are not, such as plastic bags, Styrofoam and certain plastics. The City will be going from a one-year agreement to a three-year term.

JoAnne Rau sponsored the Consent Agenda, minus Item B., and moved for its approval. Mrs. Kenley seconded the motion. The motion passed unanimously, 7-0.

Mayor Compton read Item B., and Mr. Serr recused himself from the vote. Mr. Palcher sponsored Item B., Resolution No. 30-18, A Resolution Authorizing The City Manager To Grant An Easement, On Behalf Of The City of Centerville, To The Vectren Energy Delivery Of Ohio, Inc. (VEDO) For The Installation And Maintenance Of Underground Gas Service May Be Provided To Bethany Lutheran Services (Graceworks), and moved for its approval. Mr. Engert seconded the motion, and it passed 6-0.

At 9:35 P.M. Mayor Compton requested a 5 minute break.

OLD BUSINESS

PUBLIC HEARING: ORDINANCE NO. 16-18

New Chapter 1048 Small Cell Facilities And Wireless Support Structures

Mr. Spitler presented information on House Bill 478 passed by the state legislature on May 2, 2018. The measure will become effective on July 31, 2018. The new law precipitated steps to be taken by the City. Ordinance 16-18, will enact New Chapter 1048 (Small Cell Facilities and Wireless Support Structures). In June, Resolutions will be before Council to enact a Reservation of Right-of-Way Pole Plan and an Underground Placement Plan/Map.

Mr. Beals had questions about the City's right to relocate poles and determine colors of poles for the small cell towers. Mr. Spitler responded the City will have the ability to request that a pole be moved up to 100' or the width of the right of way and to request a specific color.

Mayor Compton opened the Public Hearing.

Mr. Mark Romito, Director of External Affairs AT&T Southwest Ohio at 680 Elyse Way, Florence, Kentucky, presented the history of the small cell legislation, summarized the new legislation, and noted the possibility of lawsuits. He stated AT&T believed there were inconsistencies between the new law and the ordinance presented by Miami Valley Communications Council to its members. AT&T felt Centerville's Ordinance also was

inconsistent with the law, adopted unrealistic or inappropriate procedures and did not recognize the limitations of current technology.

Questions from Council followed. Mr. Beals asked how Mr. Romito's comments should affect Council's voting, and Mr. Liberman suggested that the goal of the Ordinance before Council was to have basic regulations in place before the state law goes into effective in July. If portions of the ordinance were challenged and found improper, the Ordinance would have to be amended. Mr. Engert inquired how quickly AT&T might challenge the City's Ordinance. Mr. Romito stated he knew of no plans for litigation at this point. When Mrs. Rau asked whether the Ordinance allowed for staff to make judgment calls in particular circumstances, Mr. Liberman answered there was some flexibility for the Public Works Director to make such decisions. If the applicant is not happy with a particular decision, it can be appealed.

Mayor Compton closed the Public Hearing.

Mr. Serr sponsored Ordinance Number 16-18, An Ordinance Establishing New Chapter 1048 Small Cell Facilities And Wireless Support Structures Of The Codified Ordinances Of The City Of Centerville. Mr. Beals seconded the motion, and it passed with a 7-0 vote.

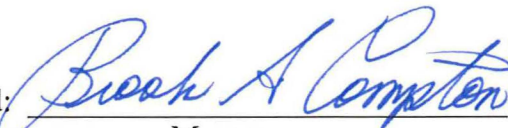
PUBLIC HEARING: ORDINANCE NO. 15-18
Repeal of Chapter 270, Centerville Historical Commission

For this Ordinance, Mr. Liberman explained the work session minutes of February 8, 1999 showed Council had discussed making the Centerville Historical Society an independent body, but an Ordinance was never written or passed to eliminate Chapter 270 from the Code. The group is now known as Centerville Washington History. Its members are not appointed by Council.

Mayor Compton opened the Public Hearing, seeing no comments or questions he closed the Public Hearing.

Mr. Beals sponsored Ordinance No. 15-18, An Ordinance To Repeal Chapter 270, Centerville Historical Commission, Of The Centerville Municipal Code, and moved that it be passed. Mrs. Kenley seconded the motion, and it passed with a 7-0 vote.

The Mayor adjourned the meeting at 10:20 P.M. The next regular meeting of the Centerville City Council was scheduled for Monday, June 18, 2018 at 7:30 P.M.

Approved: 

Mayor

ATTEST: 

Clerk of Council

