

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, April 17, 2017, at 7:30 P.M. in the Council Chambers of the Centerville Municipal Building. The meeting was opened with an Invocation given by Rick Valencia of The Church of Jesus Christ of Latter-Day Saints, 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	Mark Engert
	John Palcher
	JoAnne Rau
	Bill Serr
Clerk of Council	Carin Andrews
City Manager	Gregory Horn
Finance Director	Jonathan Hudson
City Planner	Andrew Rodney
Economic Development Administrator	Nathan Cahall
Public Works Director	Doug Spittler
City Engineer	Jim Brinegar
Assistant to the City Manager	Kristen Gopman
Human Resources Manager	Jennifer Wilder
Community Resources Coordinator	Maureen Russell Hodgson
Municipal Attorney	Scott Liberman

Mayor Compton requested a motion to excuse the absence of Councilmember John Beals. Mr. Palcher made a motion which was seconded by Mrs. Rau and passed with 6 ayes.

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

Council Meetings:	March 20, 2017.
Work Session Meetings:	March 20, 2017.
	March 22, 2017.
	March 27, 2017.
	April 3, 2017.
	April 10, 2017.

Mrs. Rau made a motion for approval of the minutes as distributed. Mr. Palcher seconded the motion, and it passed with 6 ayes. Mrs. Kenley abstained from the minutes of March 20, 2017. Mr. Serr abstained from the work session minutes of March 22, 2017, and Mrs. Rau abstained from the work session minutes of March 27, 2017.

In Communications, Mrs. Andrews reported the resignations of Louis Bordonaro of the School Personnel Appeals Board and Tom Wheeler of the City Beautiful Commission.

Mayor Compton invited Coach Rick Bottles of the Centerville High School Varsity Competition Cheerleading Squad to the podium and presented a certificate of congratulations to the group's 22 members and the coaches for their recent competition accomplishments.

The current squad garnered three national titles, two state titles and four first place GWOC titles.

Janice Harris spoke about Aneurysm Awareness from personal experience. She shared warning signs and symptoms along with actions that help one survive a potentially fatal medical event, before responding to Council questions.

Mayor Compton welcomed the students who will be participating in Youth in Government Day on April 25, 2017 and shadowing various staff members before participating in a mock council meeting. The students and the roles they will be taking are as follows:

Mayor	Ahsan Subzawari
Deputy Mayor	Sahal Pracha
Council Member	Emily Young
Council Member	Jordan Davis
Council Member	Sery Gunawardena
Council Member	Michael Ferris
Council Member	Carter Holbrook
Clerk of Council	Megan Stoops
City Manager	Mandela Brown
Assistant to the City Manager/ Human Resources Manager	Awo Onwudiwe
Director of Finance	Evan Franzman
City Planner	William Bennett
City Engineer	Christopher Golden
Chief of Police	Trey King
Director of Public Works	Zaid Ghaben
Golf Maintenance Superintendent	Daniel Strayer
Head Golf Professional	Jake Snead
Director of Food Service	Brianna Bell
Economic Development Administrator	Saloni Bagwani

Under the Mayors report, Mayor Compton shared information concerning the following proclamations:

- Proclamation designating May 1-4, 2017 as “Clean Sweep Week.”
- Proclamation designating April as “Safe Dig Month.”
- Proclamation designating May as “Motorcycle Awareness Month.”

The Mayor asked Mr. Palcher to read the Proclamation for “Arbor Day” and announced that the Arbor Day tree planting will take place on Wednesday, April 19 at Benham’s Grove with students coming from nine local elementary schools. He reported on the opening of Style Encore at 101 East Alex Bell Road and announced the Volunteer Salute on May 11 and the Mayor’s Business Breakfast on May 17 at Yankee Trace. In other news, he shared the passing of Janet Thobaben who was active with the history of our community. He reported the opening of Fire House Subs at Cornerstone. The Mayor spoke about the detrimental effects of centralized income tax collection, an item still being considered by the

State Legislature in the annual budget. He encouraged citizens to contact representatives to voice their opposition.

In Councilmember reports, Mrs. Kenley referenced the grand opening of the Firehouse Subs in Cornerstone and invited everyone to “Sip and Shop” in the Heart of Centerville on Thursday April 20, 2017.

In the City Manager’s report, Mr. Horn shared a variety of news. He complimented the Public Works management and engineering staff for the expedient handling of the bids for street resurfacing and concrete repair and pointed out the \$50,000 grant from Dayton Power & Light for the “Right Tree Right Place” program. He noted the retirement of Detective Dan Osterfeld from the Centerville Police Department after 36 years of dedicated service. After stating Yankee Trace was off to a great spring start, Mr. Horn stated Fish Fry Fridays were over for the season. He reported the summer concert series was coming together nicely.

Mr. Spittler discussed items pertinent to Public Works. He thanked Dayton Power & Light for the \$50,000 grant before narrating a slide presentation describing the removal of 61 trees and the planting 114 new ones along Main and East Franklin Streets. He reminded citizens to “Call Before You Dig” at 8-1-1 when planting trees or doing work that could damage utility lines. Clean Sweep week is May 1-4. Prior to pick up, mattresses must be wrapped in the plastic or in the bags provided at Public Works or at local hardware stores.

Mr. Cahall outlined the community calendar for the months of April and May.

Mr. Serr recused himself from the meeting at this time.

PUBLIC HEARING: CASE P-2017-0014
APPEAL OF THE DECISION OF THE PLANNING COMMISSION
Miami Valley Hospital South

Mayor Compton opened the public hearing concerning the appeal of Condition #2 of the decision imposed by the Planning Commission when approving the Major Site Plan for a new bed tower at 2400 Miami Valley Drive. Condition #2 related to the traffic impact study and the funding of related roadway improvements in the area of Miami Valley Hospital South.

Mayor Compton opened the public hearing. Staff shared that the applicant requested the application be tabled to the May meeting of Council.

Mrs. Rau motioned to table the appeal to the next meeting. Mr. Palcher seconded the motion, and it passed with 5 ayes.

PUBLIC HEARING: CASE P-2017-0010
PRELIMINARY DEVELOPMENT PLAN FOR SAVANNAH PLACE
APPLICANT: CHARLES SIMMS, CHARLES V. SIMMS DEVELOPMENT
YANKEE STREET, SOUTH OF BETHANY COMMONS TRAIL

Mr. Rodney gave the staff report on the Preliminary Development Plan for Savannah Place, a proposed development consisting of 22 duplex buildings (44 units) on property located on Yankee Street between Bethany Commons Trail and Yankee Trace Drive. The 14-acre parcel was part of original parcels 2 and 5 of Yankee Trace; it is zoned R-1c with a Lifestyle Community overlay. All of the utilities required to serve this development are present nearby. Each building will include a single story unit and a two story unit. The attached garages are two and three-car garages with a mixture of front and side/courtyard entries. All streets will be public streets with direct connectivity to Yankee Trace Drive. Other proposed elements are masonry front facades, accents of metal roofing, significant mounding and landscaping along the perimeters of the project, 5.84 acres of open space, and membership in the Yankee Trace Master Home Owners Association. Lighting, street trees, and signage will be similar to other subdivisions in Yankee Trace. Plans do not reflect vehicular connections to the Commons at Yankee Trace.

Planning Commission found the application generally met the Standards of Approval and voted 7-0 to recommend approval of the Final Development Plan, subject to the following nine conditions:

1. This Preliminary Development Plan shall supersede all previous development plan(s) approved on the subject parcel.
2. The sidewalk shall be relocated to the south side of the streets.
3. Per Article 9.31, all driveways shall be 20 feet in length from the public right-of-way.
4. The lot for Unit #1 shall be a size and orientation consistent with other lots in the development.
5. Mounding and landscaping along the west perimeter – to the extent practicable – shall be consistent with other residential areas of Yankee Trace along Yankee Street.
6. Building architecture shall be four-sided with elements of brick and/or stone on all four façades.
7. Detailed comments from the Washington Township Fire Department shall be incorporated into the final development plan, record plan, and construction documents as appropriate subject to approval by the Fire Chief.
8. Detailed comments from the Engineering Division shall be incorporated into the final development plan, record plan, and construction documents as appropriate subject to approval by the City Engineer.
9. Detailed comments from Montgomery County Water Services and other utility providers shall be incorporated into the final development plan, record plan, and construction documents as appropriate subject to approval by the City Engineer.

Staff responded to questions to the satisfaction of Council concerning street width, the presence of a sanitary sewer line at Building #19, emergency access for the fire department, the number of future units proposed and direct access onto Yankee Street. In response to a question about the reaction of the residents of the Commons to the plan, Mr. Rodney stated the residents who spoke at Planning Commission gave positive feedback. He also fielded questions on landscaping and the turn radius in the cul-de-sac.

Mayor Compton opened the public hearing.

Mr. Charles Simms of Simms Development stated Savannah Place would be the fourth community the company has built in Centerville. His history in Centerville included homes in The Highlands and The Links in Yankee Trace. He said he had no issue with the nine conditions attached to the recommendation for approval by the Planning Commission. He noted he had communicated with the neighbors including the owner of the single family home to the south of the development.

Mr. Jim Heinz, 9216 Stansel Road, trustee for the Commons at Yankee Trace, expressed total support of the proposed development at Savannah Place. He said Mr. Simms indicated to him that he was willing to work with Yankee Commons to reconfigure the water lines at the edge of the Commons on the back side of Savannah Place. Mr. Heinz said the homeowners association had spoken with City staff, Montgomery County Water Services and the developer. All hope to guarantee a safe water system with a minimum amount of cost.

Mr. Bob Jan, 1428 Bethany Commons Trail, questioned the height of the berms. Mr. Rodney explained that the height of the berms was yet to be determined. Staff will work with the applicant to provide the kind of buffer that will be desirable for the current homeowners. He assured Mr. Jan that he will continue to work with the developer and the homeowners in The Commons.

When Mayor Compton asked about details related to existing properties, Mr. Rodney stated drawings would be clearer and 70-75% complete prior to the request for Council's final approval.

Seeing no further speakers, Mayor Compton closed the public hearing.

After Mrs. Kenley asked what the timeline for this project will be, Mr. Simms stated he was hopeful some work could begin on the site in the spring of 2018. Construction should take two to three years.

Mrs. Kenley made a motion for approval of Application P-2017-0010, the Preliminary Development Plan for Savannah Place, subject to the nine conditions recommended by the Planning Commission as shown above. Mr. Palcher seconded the motion. It passed with a 5-0 vote.

No standing committee reports.

Mr. Serr returned to the dais at this time.

Mayor Compton explained the Consent Agenda contained routine procedural and administrative matters the Council had discussed in Work Sessions. Councilmembers read the following Consent Agenda items into the record:

- A. Ordinance No. 10-17, An Ordinance Amending Ordinance No. 14-08, Chapter 1216 Of The Centerville Municipal Code, The Unified Development Ordinance For The City Of Centerville, Ohio, To Amend The Regulations For Temporary Seasonal Garden Centers. (Set for Public Hearing June 19, 2017)

- B. Resolution 16-17, A Resolution Accepting The Bid Submitted By R.A. Miller Construction Co., Inc. Of Hamilton Ohio For The Bethel Road Improvements (Project SS-1) And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- C. Resolution 17-17, A Resolution Authorizing The Action Taken By The City Manager To Submit An Application To The Montgomery County Board Of Commissioners For A Community Development Block Grant.
- D. Resolution 18-17, A Resolution Accepting Bylaw Revisions For The First Suburbs Consortium Of Dayton, Ohio Council Of Governments.
- E. Resolution 19-17, A Resolution Authorizing The City Of Centerville Participation In The Ohio Department Of Transportation Winter Contract 08-18 For Road Salt.
- F. Appointments as follows:
 - Edward Ross as Chair of the Board of Architectural Review - 1 year term.
 - Susan Jessee as Chair of the City Beautiful Commission – 1 year term.

Mr. Liberman corrected Item C. The Resolution is “Authorizing” the City Manager to submit an application, and the agenda was written and read as “Ratifying.” The Resolution reads as “Authorizing” the City Manager.

Mr. Horn reviewed the following three items on the Consent Agenda.

- Item B. The City received a Community Development Block Grant for a portion of this project, however, bids came in higher than expected—approximately 20% over the estimate. Due to the current bidding environment and the grant funding deadline involved, staff recommended moving forward with the bid.
- Item C. The City will submit a grant application for additional assistance with the Bethel Road project.
- Item E. This resolution would take advantage of the pricing of salt through a contract with the Ohio Department of Transportation. Even though the City’s salt bins are well supplied at this time, ODOT requires a commitment for a minimum amount of salt to be purchased for the coming year.

Mr. Serr sponsored the Consent Agenda and moved for its approval. Mr. Engert seconded the motion. The motion passed unanimously, 6-0.

PUBLIC HEARING: ORDINANCE 05-17
AN ORDINANCE TO AMEND CHAPTER 1080, RIGHTS-OF-WAY ADMINISTRATION
OF THE CENTERVILLE MUNICIPAL CODE

Mr. Cahall gave the staff presentation on Ordinance 05-17, the Ordinance that amends Chapter 1080 of the Municipal Code that governs right-of-way administration for the City. The catalyst for this update was the passage of House Bill 331 dealing with the placement of small cell facilities public rights-of-way. The amendment will provide uniformity and equal

protection in terms of the enforcement of the rules and regulations for all utilities within the rights-of-way. Our insurance consortium recommended the changes in liability verbiage and the threshold coverage for contractors.

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

Mr. Palcher sponsored Emergency Ordinance 05-17, An Ordinance To Amend Chapter 1080, Rights-Of-Way Administration Of The Centerville Municipal Code, and moved that it be passed. Mr. Serr seconded the motion, and it passed unanimously with a 6-0 vote.

PUBLIC HEARING: ORDINANCE 06-17
AN ORDINANCE TO AMEND SECTION 1024.02 PERMIT APPLICATION

Mr. Cahall gave the staff presentation on Ordinance 06-17. This Ordinance is a partner Ordinance with the previous one, Ordinance 05-17. It will amend the application fee for excavating in the right-of-way. There were differences between current Chapter 1080 and Chapter 1024; this Ordinance will provide uniformity in the fees.

Mayor Compton opened the Public Hearing, asking for questions or comments. Seeing none, he closed the Public Hearing.

Mr. Engert sponsored Ordinance 06-17, An Ordinance To Amend Section 1024.02, Permit Application; Fee; Deposit Of The Centerville Municipal Code, and moved that it be passed. Mrs. Rau seconded the motion, and it passed unanimously with a 6-0 vote.

PUBLIC HEARING: ORDINANCE 08-17
DESIGNATING NEWSPAPERS OF GENERAL CIRCULATION

Mr. Horn explained that The Centerville Bellbrook Times, a newspaper listed in the Municipal Code as a newspaper of general circulation for the city's legal advertising, was no longer in business. The Municipal Attorney reviewed the standards of The Centerville Dispatch, a newspaper some neighboring communities are using for legal advertising and determined that it may be considered a newspaper of general circulation per the requirements of the Ohio Revised Code. Ordinance 08-17 would name The Dayton Daily News and The Centerville Dispatch as newspapers of general circulation for the City of Centerville.

Mayor Compton opened the Public Hearing. There being no questions or comments he closed the Public Hearing.

Mrs. Kenley sponsored Ordinance 08-17, An Ordinance To Amend Section 210.02, Advertisement For Bids, Of the Centerville Municipal Code To Designate The Newspapers Of General Circulation, and moved that it be passed. Mr. Engert seconded the motion; the motion passed 6-0.

PUBLIC HEARING: ORDINANCE 09-17
LICENSE APPLICATION, FOR PEDDLERS, VENDORS CANVASSERS, AND
CHARITABLE SOLICITATIONS

Mr. Liberman explained this Ordinance is an amendment to the solicitation license application under the solicitation ordinance. The City's application form was missing a question verifying the applicant was the holder of an Ohio vendor's license, which Ohio Law requires for businesses or persons making retail sales of tangible property or taxable services. The change will formalize the statute by requiring all applicants to show compliance with state, federal and local regulations.

When Mrs. Rau asked if this would affect canvassers, Mr. Liberman responded it would only affect individuals who are selling goods with for-profit companies.

Mayor Compton opened the Public Hearing. Seeing no speakers come forward, he closed the Public Hearing.

Mr. Serr sponsored Ordinance 09-17, An Ordinance Amending Section 836.04, License Application, For Peddlers, Vendors Canvassers, And Charitable Solicitations Of the Codified Ordinances Of The City Of Centerville, and moved that it be passed. Mr. Palcher seconded the motion, and it passed with a 6-0 vote.

There being no citizen's comments or petitions Mayor Compton moved onto New Business.

Mr. Serr recused himself at this time and left the meeting.

TEFRA HEARING FOR GRACEWORKS BONDS

In new business, a TEFRA hearing was held related to the request from Graceworks Lutheran Services, Bethany Lutheran Village, an Ohio non-profit corporation, for the City's cooperation in the procurement of Series 2017 Bonds.

Mayor Compton opened the Public Hearing.

Michael Dean of Dinsmore and Shohl, 255 East Fifth Street, Cincinnati, OH, the bond counsel for Graceworks Lutheran Services which operates Bethany Lutheran Village, stated the bonds were needed to provide financing for construction and refurbishing the new wing of the Linden House at Bethany Lutheran Village, 6451 Far Hills Avenue. The bonds would also be used to refund existing debt that was initially issued in 2007. The federal tax code requires that when bonds are issued by a public entity a public hearing must be held. Mike Allen, Chief Financial Officer of Graceworks, was present to answer questions.

In response to a question from Mayor Compton, Mr. Liberman explained the process of the TEFRA Hearing as federally required and advised by the City's bond counsel. The hearing allows anyone from the public to ask questions about the issuance of the bonds. Mr. Dean added that the Emergency Ordinance before Council this evening authorizes the

issuance of the bonds themselves and approves the project under the federal requirements. He stated that the City would have no financial liability related to the issuance of the bonds, but passage of this ordinance would allow Bethany Lutheran Village to procure a more favorable interest rate on its loan.

Seeing no one coming forward with questions or comments, Mayor Compton closed the Public hearing.

**EMERGENCY ORDINANCE: 11-17
BONDS FOR IMPROVEMENT AT BETHANY LUTHERAN VILLAGE**

Mayor Compton read into record Emergency Ordinance 11-17. Mr. Liberman explained that a review with bond counsel for the City and with all parties involved had taken place. This facilitation of the bonding was very similar to the prior bond issuance with Graceworks in 2007. Because of the timeline, no regular Ordinance was needed to follow this Emergency Ordinance. Graceworks expected to close the transaction about May 25, 2017. The bond purchase agreement, escrow deposit agreement, bond indenture agreement, amended and restated lease agreement, and the tax certificate had all been on file with the Clerk's office. These documents will all be part of the transaction once Bethany Lutheran Village completes the closing.

Mayor Compton stated Council had full review of this matter at Council work session and asked Mr. Allen if there was anything further that he wished to add at this time. Mr. Allen, Chief Financial Officer of Graceworks, came forward to answer any questions, thanked the City, and recalled the history of Bethany's tax exempt financing. He added the Vice President of Residential Care, Judy Budi, was also present at the meeting. He stated this project will add about 50 jobs, \$1.5 million in payroll, and \$36,000 in annual City taxes paid by those employees.

Mayor Compton asked for a motion for approval. Mrs. Kenley sponsored Emergency Ordinance 11-17, An Ordinance Providing For The Issuance And Sale Of Series 2017 Bonds In The Maximum Aggregate Principal Amount Of \$90,000,000 For The Purposes Of (I) Financing The Acquisition, Construction And Renovation Of Certain "Hospital Facilities" Including The Construction, Expansion, Renovation And Equipping Of Various Capital Projects Constituting "Hospital Facilities" At The Bethany Lutheran Village Continuing Care Facility Retirement Community, And Other Related Improvements And Furnishings, (II) Refunding All Or A Portion Of Its Health Care Fixed Rate Revenue Bonds, Series 2007A (Bethany Lutheran Village Continuing Care Facility Expansion Project), (III) Refunding All Or A Portion Of Its Outstanding Health Care Variable Rate Demand Revenue Bonds, Series 2007b (Bethany Lutheran Village Continuing Care Facility Expansion Project), (IV) Funding A Debt Service Reserve Fund For The Series 2017 Bonds, (V) Funding Capitalized Interest For The Payment Of Interest On A Portion Of The Series 2017 Bonds, And (VI) Paying Costs Of Issuance Of The Series 2017 Bonds; And Authorizing The Execution And Delivery Of The Amended And Restated Lease, The Bond Indenture, The Bond Purchase Agreement, The Escrow Deposit Agreement, The Tax Certificate, And Other Related Documents, And Declaring An Emergency, and moved that it be passed. Mrs. Rau seconded the motion, which passed 5-0.

The Mayor adjourned the meeting at 9:30 P.M. The next regular meeting of the Centerville City Council was scheduled for Monday, May 15, 2017.

Approved: Bush A. Compton
Mayor

ATTEST: Carin R. Andrews
Clerk of Council

