

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, August 21, 2017, at 7:30 P.M. in the Council Chambers of the Centerville Municipal Building. The meeting was opened with an Invocation given by Wesley Jones, 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:

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
Assistant to the City Manager Kristen Gopman
Municipal Attorney Scott Liberman
Community Resources Coordinator Maureen Russell Hodgson

Mayor Compton introduced new the City Manager. Mr. Davis expressed his gratitude for the opportunity to serve the City of Centerville and voiced his goal of continuing the great work done by past Councils and Staff.

Mayor Compton requested a motion to excuse the absence of Mrs. Kenley. Mr. Palcher made the motion which was seconded by Mrs. Rau and was passed 6-0.

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

Council Meetings: July 17, 2017.
 August 7, 2017.

Work Session Meetings: July 17, 2017.
 August 7, 2017.
 August 14, 2017.

Mr. Serr made a motion for approval of the minutes, as distributed. Mr. Palcher seconded the motion, and it passed with 6 ayes. Mr. Serr, Mrs. Rau and Mr. Beals abstained from the minutes of July 17, and Mrs. Rau abstained from the vote on minutes of August 14, 2017.

Mayor Compton invited Mr. Donald Barrett to the podium for recognition of his service as a World War II veteran. Mr. Barrett was stationed in the Pacific as a marine in Guadalcanal, New Guinea, and New Britain. He received the Bronze Star with Combat V, the Purple Heart and the Marine Corps Medal of Good Conduct. Mr. Barrett addressed Council and provided a lively history of his and his wife's careers during the war. His family was present to accept the recognition plaque with Mr. Barrett.

Mr. Joe Braden of the State Auditor’s Office presented to Finance Director Jonathan Hudson the Ohio Auditor of State’s Award With Distinction for the fiscal year 2016. The Award is presented only to entities with a “clean” audit report. The State Auditor’s office reviews the accounts of 6,000 entities each year with less than 300 being eligible for this award. Mayor Compton thanked Mr. Hudson for his efforts in achieving this award.

Mr. Jack Lobeck, President of the Centerville-Washington Foundation, provided an update on the group’s activities. Directing its benefits to the people of Centerville and Washington Township, the Centerville-Washington Foundation is a component of the Dayton Foundation. Last year \$15,000 in grants were distributed, next year the goal is \$20,000; by 2020 the goal is \$40,000. The annual Founders Day Event will be at Yankee Trace on September 28, 2017 and will honor former Centerville Mayor Sally Beals.

Mrs. Susan Jessee, Chair of the City Beautiful Commission, spoke about the work of the group, asked for new members and announced the City’s Summer Beautification Award winners. Dr. Susan Platoni, 50 South Main Street, was present to accept the Business Pride Award. Mrs. Jessee announced the Residential Landscape Award winners as follows:

AUGUST

Marlis Wilson
6500 Atterbury Court

Andria Chiodo
1235 Kentshire Drive

Robert & Janet Carpenter
2212 East Alex Bell Road

Elaine and Ron Connelly
154 Martha Avenue

Peter Petrusch
449 Blackstone Drive

Brady Pees
9909 Red Barn Trail

Patty and Spencer Romer
1253 Club View Drive

In his Mayor’s Report, Mayor Compton spoke about the summer concerts at Stubbs Park and gave accolades to Mrs. Gopman for her efforts with the program.

Mr. Engert reported on the Bicycle Committee and Centerville-Washington History. He shared the Bike Committee wished to thank the City for installing bike racks at the Municipal Building, the Police Department, Yankee Trace, the Public Works Facility, Town Hall, Graeter’s Ice Cream and Bill’s Donuts. Mr. Engert stated members of the Bike Committee also expressed interest in meeting the City Manager and sharing future plans. For Centerville Washington History, Mr. Engert noted the *Sense of Taste* fundraiser will be held on September 7, 2017 at Benham’s Grove, and a Ghost Walk will be held on October 7, 2017.

Mr. Beals spoke about the Sister City exchange and the Kalamian Golf Outing. He and his wife, along with Councilmember Rau and her husband, participated in the Sister City trip to Bad Zwischenahn, Germany from July 14 – 17, 2017. The committee presented a buckeye tree to the City of Bad Zwischenahn. The Sister City Committee will make a presentation

about the trip at the September Council meeting. The 20th Annual Kalamon Golf Outing will held at Yankee Trace on September 11 to honor Centerville Police Officer John P. Kalamon and raise funds for the family's ongoing scholarship program in his memory.

In the City Manager's report, Mr. Davis shared information on the protest held in front of City Hall on Saturday, August 19, 2017. Chief Bruce Robertson added additional comments on the event and the steps taken by Police, Staff, TCSU, and Public Works to safeguard property and the safety of those involved. Mayor Compton and Councilmembers Engert and Rau all expressed their pride in the Police Department and gratitude for the positive outcome resulting from the preparations. Mr. Davis thanked the Police Chief.

Mrs. Gopman outlined the community calendar for the months of August and September.

REPORT OF THE PLANNING COMMISSION

APPLICATION P-2017- 0026: PDP FOR GATEWAY LOFTS BY RYAN PEARSON OF EDGE GROUP FOR HALLMARK COMMUNITIES

Mr. Cahall made the staff presentation for Application P-2017-0026. At the February meeting, Council approved the original Preliminary Development Plan for the Gateway Lofts in the area north of Alex Bell Road at Chardonay Drive. Unanticipated difficulties with poor soils and bedrock near the surface added substantial construction costs and required the submittal of a revised Preliminary Development Plan. Mr. Cahall compared the previous plan to the current one for 396 multi-family residential units at a slightly lower density of 10.43 units per acre in this area zoned R-PD with a Neighborhood Residential Overlay. The plan included 670 parking spaces, private streets, private detention facilities, open space, woodlands, hiker-biker paths, and a clubhouse. He discussed negotiations between the developer and the current condominium homeowners along Chardonay Drive. Mr. Cahall noted the steep grades, parkland dedication, detention areas, the change in architecture and the question of mounding along Alex-Bell Road. He pointed out the proposed use of vinyl siding.

Staff analysis showed the revised plan generally met the standards of approval for a Preliminary Development Plan. Mr. Cahall stated ongoing discussions with the developer would include landscaping, mounding, fire access, parkland dedication, stormwater management, signage, and resolution of the condo association issues.

Although Planning Commission expressed concerns regarding the use of vinyl siding and the commercial look of the architecture along Alex-Bell Road, on July 25, 2017 Planning Commission recommended approval of this Preliminary Development Plan with a 5-0-1 vote, subject to the following twelve (12) conditions:

1. Prior to issuance of zoning and building permits, Versailles Drive shall be repaired to a navigable condition to the satisfaction of the City Engineer.
2. At the submission of a Final Development Plan, the Applicant/Developer shall provide sufficient evidence that agreement on any and all outstanding issues relative

to the establishment or modification of any existing master or condominium association documents is substantially complete.

3. The Applicant shall participate financially in the construction of roadway improvements required as a result of this development per the approved Traffic Impact Study and the discretion of the City Engineer. Full payment for the Applicant's share of the improvements shall be due prior to the issuance of zoning and building permits.
4. Bicycle parking shall be provided per UDO requirements.
5. Exterior elevations shall include a mixture of quality, durable materials arranged in an aesthetically pleasing manner to achieve a measure of style and class for the development. The use of vinyl siding – particularly on the front and side façades – is discouraged.
6. Per Article 9.47 of the UDO, parkland dedication is required. The Applicant shall provide 3.36 acres of parkland via land dedication, payment of a fee-in-lieu, private open space, or a combination thereof.
7. The final design of stormwater management infrastructure shall be in accordance with Article 9.35 of the UDO.
8. The development shall adhere to all floodplain development regulations as stipulated in Article 9.37 of the UDO.
9. Signs are not evaluated as part of the Preliminary Development Plan process and shall be further evaluated as part of a Final Development Plan.
10. 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.
11. 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.
12. Detailed comments from Montgomery County Water Services and other utility companies shall be incorporated into the final development plan, record plan, and construction documents as appropriate subject to approval by the City Engineer.

Mr. Beals inquired about the vinyl siding and the three proposed buildings in the northeast quadrant in Phase 2 of the project. In response, Mayor Compton opened the Public Hearing.

Mr. Ryan Pearson, EDGE Group, 330 West Spring Street, Columbus, Ohio, representing Hallmark Communities, thanked Council for its consideration of the revised plan

and pointed out some of the differences from the original. The northeast quadrant will have four-story buildings with 48 units each. The north side of Versailles Drive will have two three-story buildings. He said the developer had met with the condo association and was honoring previous commitments. In response to a question from Mayor Compton, Mr. Pearson pointed out the reserve areas and the easement on the eastern border for a future bike path.

Other questions from Council followed. When Mrs. Rau asked about preliminary work for the Phase II buildings, Mr. Pearson stated the mass grading would clear the area and do preparatory work for the pads. Mr. Serr inquired about the market demographic intended for the urban architecture and whether these people currently lived in Centerville. Mr. Pearson responded the one and two bedroom units attract millennials, young professionals and empty-nesters. Mr. Beals asked about the flat roofs versus pitched; Mr. Pearson replied that the plans were recently revised to have flat roofs only on the four-story buildings in the northeast quadrant.

Mr. Dean Wentz, Dean Wentz Architects, 2463 East. Main Street, Bexley, Ohio, added the developer needed flat roofs to create a workable plan for density while following other zoning restrictions. The pitched roofs on the three-story buildings have a slope of 10/12.

Mrs. Rau asked about the type of bridge for the stream crossing in the northeast quadrant, coordination with the Army Corps of Engineers and FEMA permits. Mr. Pearson responded the box culvert would support construction traffic and fire equipment; it would require approval of the Corps and FEMA.

Mr. Jerry Strange, 650 East Alex Bell Road, who lives directly across from the proposed development, voiced his disappointment the developer had been in communication with the residents in Chardon Valley, but had never contacted him. He stated opposition to the flat roofs along Alex-Bell Road shown at Planning Commission. He pointed out his residence was the only house within the City limits that did not have access to a sanitary sewer.

Mr. Matt Springer, 6848 Chardon Drive and President of the Chardon Condo Association, stated he had met on numerous occasions with the developer, and they were still working on an agreement. The association preferred the pitched roofs and was concerned about four-story buildings, buffers, preservation of mature trees, and screening.

When Mayor Compton closed the Public Hearing, Mrs. Rau inquired whether the building behind Fortis off Loop Road was a residence. Mr. Cahall responded that it was a single family residence.

Mayor Compton noted he believed that there would be a great deal of discussion about vinyl siding in the future, since it was not something the City had approved previously.

When Mayor Compton asked for a motion, Mr. Beals made a motion to approve Application P-2017-0026, the Preliminary Development Plan for the Gateway Lofts, with the

twelve (12) conditions of the Planning Commission, as shown above. Mr. Palcher seconded the motion. The motion passed with a roll call vote of 5-1, with Mr. Engert voting no.

At this time, Mr. Serr recused himself from the meeting.

PUBLIC HEARING: APPLICATION P-2017-0030, FDP FOR SAVANNAH PLACE
APPLICANT: CHARLES SIMMS, CHARLES V. SIMMS DEVELOPMENT.

Mr. Cahall gave the staff report for Application P-2017-0030, the Final Development Plan for Savannah Place on about 14.5 acres along Yankee Street, north of Yankee Trace Drive. Giving background, he pointed out parts of the parcel originally were platted in Yankee Trace. On April 17, 2017, City Council approved The Preliminary Development Plan for Savannah Place with its 22 duplex buildings. The approval of a Final Development Plan is the fourth and final stage of the development process.

Mr. Cahall described the major elements of the plan, using maps of the area and elevations of the buildings. Access to the development will be from Yankee Trace Drive with no vehicular access onto Yankee Street. The subdivision will have public streets, private stormwater detention, and substantial mounding along Yankee Street; most lots have rear yard drains.

Mayor Compton pointed out the name of Bethany Commons Drive to the north of the parcel was changing to Yankee Commons Drive.

Mr. Cahall stated the Planning Commission was generally supportive of the plan, including the architecture, the overall layout, the roadways, and landscaping, however, they expressed concern with the loss of trees in the northwest corner of the site. In the interim since the Planning Commission meeting, Mr. Simms had met with members of the Lakewood Commons Condominium Association. Efforts will be made to minimize the impact of the loss of the trees.

On July 25, 2017, Planning Commission recommended approval of the Final Development Plan for Savannah Place with a 6-0 vote, subject to the following five conditions:

1. All roof protrusions and appurtenances shall be coated or painted black.
2. 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.
3. 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.

4. 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.
5. The applicant shall work with the City Planner and the City Engineer to minimize the removal of trees from the northwest corner of the project.

Mayor Compton opened the Public Hearing

Mr. Charles Simms of Charles V. Simms Development at 2785 Orchard Run Road gave background concerning Savannah Place, which is the fourth Simms' housing development within the City of Centerville. Mr. Simms noted he had approached both the Lakewood (Bethany) Commons and Yankee Trace Community Associations for input. The owners within the development will join and contribute to the Yankee Trace Community Association. In order to maintain green space, he will create buffers between the retention pond and Yankee Street, along Yankee Trace Drive and to the north where Savannah Place adjoins the Bethany Commons. Special Assessment Financing will not be used.

When Mr. Beals inquired about moving the pond to the south, Mr. Simms explained the reasons for the placement of the pond and stated the size of the pond may be reduced to preserve trees. Mr. Beals also pointed out the proximity of Unit #12 to existing homes. Mr. Simms agreed to work with the owner in planting trees or erecting a fence.

Mr. Matt Kramer of 1357 Holes Creek Trace identified the house that was discussed by Mr. Beals and Mr. Simms.

Mr. Jack Kindler at 9017 Greenside Court, who is President of the Yankee Trace Community Association, confirmed that Mr. Simms was in agreement that Savannah Place owners will become members in the Homeowners Association. Mr. Kindler pointed out that fences require Association approval and that a permissible fence could not block a view. He stated the Yankee Trace Community Association would be happy to welcome Savannah Place as members.

Mayor Compton closed the Public Hearing. With no additional questions from City Council, he asked for a motion to accept Application P2017-0030, the Final Development Plan for Savannah Place. Mr. Beals made a motion to approve Application P-2017-0030 with the five (5) conditions recommended by the Planning Commission. Mr. Palcher seconded the motion, and it passed with a 5-0 roll call vote.

Mr. Serr returned to the meeting at this time.

There being no Standing Committee or other reports, at 10:20 P.M., Mayor Compton requested a short recess.

When the meeting reconvened, attention turned 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 consent agenda.

Mayor Compton requested that Items A. and B. be removed from the Consent Agenda to be discussed separately.

Councilmembers read Consent Agenda Items C., D., E. and F. into record.

- A. Ordinance Number 22-17, An Ordinance To Vacate Certain Easements Over Property Located Within The Graceworks Lutheran Services - Bethany Lutheran Village Project At 6451 Far Hills Avenue In The City Of Centerville, be set for Public Hearing on September 18, 2017.
- B. Resolution Number 46-17, A Resolution Authorizing The City Manager To Enter Into A Memorandum Of Settlement With Cornerstone Developers, LTD.
- C. Resolution Number 47-17, A Resolution Authorizing The Amendment Of The Retired City Manager's Contract To Clarify Sick Leave.
- D. Resolution Number 48-17, A Resolution Authorizing The City Manager To Enter Into A Yankee Trace Name And Logo Use Agreement With Woodland Greens At Yankee Trace, LLC For The Woodland Greens Development.
- E. Appointment as Follows:
Jim Collins – Chair of Arts Commission – term of one year.
- F. Reappoint As Follows:
Mary Pizza – Sister City Committee – term of three years.

Councilmember Beals requested that the record show the location referenced in Item D. for the naming rights of Yankee Trace in Woodland Greens was for the northern residential portion of that development. The Randall Residence, the commercial area for skilled nursing care, memory care and assisted living, was not included in the agreement.

When Mayor Compton requested a motion to approve Items C., D., E. and F. of the Consent Agenda, Mrs. Rau sponsored the referenced Consent Agenda items and moved for their approval. Mr. Engert seconded the motion. The motion passed unanimously, 6-0.

Before the discussion of Items A. and B., Mr. Serr recused himself from the meeting, because of a conflict of interest.

Mayor Compton then requested a motion to set item A. for Public Hearing. Mr. Beals made the motion to set Ordinance Number 22-17, An Ordinance To Vacate Certain Easements Over Property Located Within The Graceworks Lutheran Services – Bethany Lutheran Village Project At 6451 Far Hills Avenue In The City Of Centerville, for Public

Hearing on September 18, 2017. Mrs. Rau seconded the motion. The motion carried with a 5-0 vote.

Mr. Liberman explained Item B., the memorandum of settlement with Cornerstone Developers, LTD. for issues related to Phase I and II of the development at Cornerstone North. Following the resolution of litigation with Sugarcreek Township in October of last year, the developer and the City spent a number of months negotiating the disbursements of the funds paid to the City (\$542,136.06). This agreement defined funds to be retained by the City, payments to and by Cornerstone Developers to settle disputes related to construction and other costs in Phase I and Phase II, a payment to the school district, and a payment to Sugarcreek Township for a share of the costs of Clio Road improvements. The agreement states the remaining amount will be paid to Cornerstone Developers, LTD. Included in the memorandum is an agreement for reimbursement of funds from the developer, if a portion of the Tax Increment Financing money is withdrawn because of appeals and property re-evaluations. Council discussed these issues extensively over many months.

Mr. Palcher made a motion for approval of Resolution Number 46-17, A Resolution Authorizing The City Manager To Enter Into A Memorandum Of Settlement With Cornerstone Developers, LTD, and Mr. Engert seconded the motion. The motion passed with a 5-0 vote.

Mayor Compton requested that Item D. under Old Business be considered at this time, since Mr. Serr would be recused from that item also.

PUBLIC HEARING: ORDINANCE NO. 21-17
CREATING A COMMUNITY AUTHORITY FOR RANDALL RESIDENCE

Mr. Cahall gave the staff report explaining the ordinance approving the petitions proposal to create a New Community Authority for the Randall Residence. The Community Authority would be able to levy an annual development charge on the property to repay debt issued to finance the cost of the construction of the required public improvements. The use of a Community Authority was an alternative to traditional Special Assessment Financing channeled through government entities.

Mr. Liberman shared, if this Ordinance passed, it would go into effect in 30 days, on or about September 21, 2017. State statute required Council to appoint four members to the Community Authority Board of Trustees within ten days of the effective date of the Ordinance, so a resolution for this purpose will be needed at the September Council meeting.

Questions from Council followed. Mr. Beals confirmed that the Community Authority would function for a 15-year period. Mayor Compton clarified that the City would have no liability. Mr. Cahall explained that the City was following all procedural requirements in order to ensure the City would have no liability. Mrs. Rau asked about liability raised by decisions of the Board of Directors. Mr. Cahall stated the Community Authority, somewhat like a homeowner's association, was actually a private entity that would be required to seek its own legal counsel.

When Mayor Compton opened the Public Hearing, Mr. Ron Coffman of Equity, Inc. and Mr. Josiah Huber of DiPerna Advisors of Columbus were present to answer questions. Mr. Huber is the financial advisor for the Dayton-Montgomery County Port Authority, and he stated this financial mechanism was ideal for the situation and created a revenue stream for improvements while avoiding the changing legal climate related to Special Assessment Financing. When Mr. Beals pointed out this was Council's first encounter with a Community Authority, Mr. Huber assured the members that the DiPerna firm would be available as needed. Mayor Compton expressed it was reassuring that the Port Authority was involved in the public improvements for this development.

Hearing no other questions, Mayor Compton closed the Public Hearing.

Mrs. Rau made a motion for approval of Ordinance No. 21-17, An Ordinance Determining That The Establishment Of The Randall Residence New Community Authority Will Be Conducive To The Public Safety, Convenience, And Welfare And Is Intended To Result In The Development Of A New Community And Declaring The New Community Authority To Be Organized And A Body Politic And Corporate, And Defining The Boundary Of The New Community District. Mr. Palcher seconded the motion; it passed with a 5-0 vote.

Mr. Serr returned to the meeting at this time.

PUBLIC HEARING: ORDINANCE NO. 17-17
AMENDING TERMS OF THE FIRE INSURANCE TRUST FUND

Mr. Cahall provided the Staff presentation for Ordinance Number 17-17. The Centerville Municipal Code requires insurance companies to deposit sufficient funds in escrow to demolish structures destroyed by fire. The previously named amount was no longer sufficient.

Mayor Compton opened the Public Hearing and, seeing no one come forward, closed the Public Hearing.

Mr. Beals made a motion to approve Ordinance 17-17, An Ordinance To Amend Section 240.03, Fire Insurance Trust Fund; Distribution Of Fire Insurance Proceeds, Of The Centerville Municipal Code To Increase The Demolition Proceeds Deposit. Mrs. Rau seconded the motion, and it passed with a 6-0 vote.

PUBLIC HEARING: ORDINANCE NO. 18-17 AMENDING ORDINANCE 28-16 TO
MAKE APPROPRIATIONS TO AN AGENCY FUND

Mr. Liberman explained that the resolution for the Memorandum of Settlement with Cornerstone passed earlier in the meeting required that money be placed in an agency fund. This Ordinance would fund the appropriate account.

Mayor Compton opened the public hearing and, having no one coming forward, closed it.

Mr. Palcher sponsored Ordinance No. 18-17, An Ordinance To Amend Ordinance Number 28-16 To Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ended December 31, 2017. Mr. Engert seconded the motion. It passed with a 6-0 vote.

PUBLIC HEARING: ORDINANCE NO. 20-17 AMENDING RATES OF PAY

Mrs. Wilder, Human Resources Manager, reported on Ordinance No. 20-17, which requested an amendment to the pay Ordinance approved on December 16, 2016 by Council. The amendment to the Ordinance was needed to cover the salary range for the new City Manager whose contract was approved by Council on July 17, 2017 with Resolution 38-17. This Ordinance would take effect on September 21, 2017, the 31st day after passage.

Mayor Compton opened the Public Hearing and seeing no one wishing to make any comments, closed the Public Hearing.

Mr. Engert sponsored Ordinance No. 20-17, An Ordinance To Amend Ordinance No. 30-16, Establishing Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Of The City of Centerville, Ohio, and moved for its approval. Mr. Serr seconded the motion, and it passed with a 6-0 vote.

There being no Citizen Comments or Petitions, Mayor Compton moved to New Business.

EMERGENCY ORDINANCE NO. 19-17 AMENDING RATES OF PAY

Mrs. Wilder explained Emergency Ordinance No. 19-17 covers the City's Manager's salary in the same way as the regular Ordinance explained above. However, the Emergency Ordinance would allow for the approved rate of pay to take effect immediately.

Mrs. Rau sponsored Emergency Ordinance No. 19-17, An Ordinance To Amend Ordinance No. 30-16, Establishing Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Of The City of Centerville, Ohio, and moved for its approval. Mr. Serr seconded the motion. The motion passed with a 6-0 vote.

There being no further business, Mayor Compton adjourned the meeting.

Approved: 
Mayor

ATTEST: 
Clerk of Council