

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, March 21, 2016, at 7:30 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Pastor Miltenberger of the Centerville United Methodist Church, and the Pledge of Allegiance to the Flag of the United States of America was given by Girl Scouts of Troop 30584/30852, with Mayor Compton presiding. Councilmembers and staff were present as follows:

Deputy Mayor	Belinda Kenley
Councilmembers	John Beals
	Mark Engert
	John Palcher
	Bill Serr
Clerk of Council	Carin Andrews
City Manager	Gregory Horn
Finance Director	Steven Hinshaw
City Planner	Andrew Rodney
Economic Development Director	Nathan Cahall
Public Works Director	Doug Spitler
City Engineer	Jim Brinegar
Human Resources Manager	Jennifer Wilder
Assistant to the City Manager	Kristen Gopman
Community Resources Coordinator	Maureen Russell Hodgson
Municipal Attorney	Scott Liberman

Mrs. Kenley made a motion to excuse Mrs. Rau from the meeting. Mr. Beals seconded the motion. The motion passed 6-0.

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

Council Meeting	February 15, 2016. March 14, 2016.
Work Session Meetings	February 15, 2016. March 7, 2016. March 12, 2016. March 14, 2016.

Mayor Compton requested that minor revisions be made to the minutes. In the February 15, 2016 minutes, the vote count should have been 6-0 to grant the Appeal of the January 24, 2016 decision of the Planning Commission with Mr. Serr returning to Council Chambers after recusing himself on this issue. Also, a name correction on page 1 of the March 12, 2016 work session minutes would change Mr. Cahall to Mr. Horn. Mr. Beals made a motion for approval of the minutes, as revised. Mr. Engert seconded the motion. The motion to approve the minutes, as revised, passed with six ayes.

Mayor Compton introduced Mrs. Carin Andrews, the new Clerk of Council. Mr. Horn added that he knew the work and work ethic of Mrs. Andrews, who had previous experience at

the Centerville Police Department and at Public Works. Mr. Beals commended Mrs. James, the former Clerk of Council, and noted he was looking forward to working with Mrs. Andrews.

Mrs. Andrews announced the receipt of a letter from Mr. Allen Nelson requesting a temporary Leave of Absence from the City Beautiful Commission. No motion to accept was needed.

Mayor Compton welcomed two Girl Scouts, Alexandra Bielecki and Korinna Lakes. He presented Certificates of Recognition to honor them for completing the requirements for Girl Scout Gold Awards. Alexandra Bielecki's Gold Award project was planning and implementing yoga classes for middle schoolers, high schoolers, athletes and youngsters in the Ohio Mentor Foster Care program. Korinna Lake's project created month-long soccer sessions for incoming freshmen girls trying out for soccer to promote bonding between freshman and upper classmen. Mayor Compton stated Mrs. Rau had attended the Girl Scout Award ceremony held at the Schuster Center.

Mayor Compton recognized Girl Scouts Kathryn Codeiro, Kate Greenwell, Emma Thompson, Grace Rudolph, Elizabeth Crump and Breanna Douglas for their planning and building a compost bin for use at the Stubbs Park garden plots. The young Scouts explained their "Take Action" project included researching, planning, designing, working with Public Works, and the actual building of the compost bin. Councilmember Bill Serr read the Certificate of Appreciation.

Mayor Compton honored Werner Boehm, a supervisor at the Public Works Department, who was retiring after 30 years of committed service to the City. Mr. Horn expressed his appreciation and detailed many of the contributions Mr. Boehm made to the efficient functioning of the City of Centerville. After Mayor Compton read the official Certificate of Recognition, Mr. Boehm expressed his pride working in Centerville and his joy interacting with the people of the City.

In other items, Mayor Compton thanked the business members, staff and Mr. Cahall for making the Mayor's Business Breakfast a success. He mentioned the possibility of a new format in the future. He noted City Beautiful will kick off spring with a workshop, "WOW! Perennials Provide Pizzazz" on the 2nd day of April at 10:00 A.M. at Centerville High School. Since April is Fair Housing Month, the Mayor asked Mrs. Kenley to read the Proclamation for Fair Housing, "The Bridge to Equitable Communities."

In Council Reports, Councilmembers gave details on a variety of meetings. Mrs. Kenley gave an update on the activities of the Business Task Force. At the most recent meeting the group discussed The Heart of Centerville's proposed Food Truck Fridays on the 2nd Friday of each month from May through September in downtown Centerville.

Mr. Beals reported on his numerous activities. The Centerville-Washington History Committee will be hosting a Community Picnic and the Annual Taste of Centerville event. Mr. Beals, the second vice president of the Miami Valley Regional Planning Commission and a member of the executive board, noted MVRPC had scheduled its annual meeting for April 14, 2016. He also attended the Centerville Washington Township Recreation Board Meeting and

learned the township will be adding a Silver Sneakers exercise program and painting the pool at the Rec Center. The Board is considering price increases for the aquatic center passes. In addition to searching for an additional Sister City, the Sister City Committee focused on planning a trip to Bad Zwischenahn in July 2017. Mrs. Carolyn Basford was the contact for reservations for the trip. Lastly, Mr. Beals stated the Bike Miami Valley Bicycle Committee had met and that Mr. Horn had been a presenter. Besides Mr. Beals, Mr. Engert and Mrs. Rau had attended.

In the City Manager's Report, Mr. Horn discussed the national re-accreditation process for the Centerville Police Department through CALEA (Commission on Accreditation for Law Enforcement). The on-site re-assessment will begin on April 11, 2016. As a part of the onsite review, employees and members of the community are invited to offer comments by phone or in person on Tuesday, April 12, 2016. More information on the renewal process is available from Cris Smart at 937-433-7661. Mr. Horn also noted that Steve Marino and the Golf Pro staff at Yankee Trace have been named Southern Ohio PGA Outstanding Merchandiser for the year 2015. It was the fourth time Yankee Trace had won the award since opening twenty years ago.

Mrs. Gopman reported on code violations and enforcement and went over the Community Calendar for the months of March and April.

Report of the Planning Commission: Preliminary Development Plan,
Application P-2015-0039 The Villas of Centerville

Mayor Compton stated the one item from the Planning Commission requiring action by Council was Application P-2015-0039, the Preliminary Development Plan for The Villas of Centerville along Chardonnay Drive. The item was tabled on February 15, 2016, at the request of the applicant, Mr. Raj Grande of Rootstown Realty, LLC. When Mayor Compton asked for a motion, Mr. Beals made a motion to take Application P-2015-0039 from the table. Mr. Serr seconded the motion. The motion passed 6-0.

In the staff report for Application P-2015-0039, Mr. Rodney gave background and explained the application was tabled in February in hopes that the applicant would have time to reach an agreement with the current residents on Chardonnay Drive and the French Manor Condominium Association.

As Chair of Council, Mayor Compton re-opened the public hearing, He invited public comment.

Mr. Tom Tepe, 1 East Fourth Street, Cincinnati, OH 45202, attorney for Rootstown Real Estate LLC, reported no agreement between Mr. Grandhi and the condominium association. He said the applicant was agreeable to the 16 conditions recommended by staff and understood that there was still much work to be done. He said his client recognized it was necessary to have a regime in place to ensure proper maintenance for the area. Mr. Grandhi preferred fee simple lots, but was open to condominiums with a mechanism for a funding source for taking care of maintenance.

Mayor Compton questioned Mr. Rodney whether it was still the recommendation of the Planning Commission to approve the Preliminary Development Plan. Mr. Rodney clarified that approval with 16 conditions was recommended by staff, but the Planning Commission had recommended denial of the plan by a 3-3 vote. He stated that it was still staff's recommendation to approve with numerous conditions that would have to be met prior to the submittal of a Final Development Plan.

Questions followed. Mr. Beals inquired about the styles of the homes, the range of sizes and the architectural designs being considered by the applicant. Mr. Rodney stated a study of the existing homes would have to be done and a set of design standards with the definition of a minimum footprint must be submitted. Mayor Compton asked Mr. Rodney whether each house plan would have to come before the city for review. Mr. Rodney answered that staff would work with the applicant. The requirement would be dependent upon the number of builders. Mrs. Kenley added that the existing homes had several different builders. Mr. Palcher questioned the density per acre. Mr. Rodney answered the 20 home sites on 3.4 acres would create a density of 6.17 units per acre, a number consistent with the current houses in the development.

Mr. Beals spoke of the work done by the Planning Commission and asked for a quick review of their responses from the meeting where the application was presented. Mr. Rodney stated 3 members were in favor and 3 opposed – the opposed spoke to the encroachment issue with several existing homes being built across lot lines, but those issues could not be required to be resolved at this preliminary stage. The developer agreed to address the discrepancies at the appropriate time.

Mayor Compton asked Mr. Rodney if the fee simple lot issues would be addressed in Item #5 of the conditions, if the preliminary plan were approved. Mr. Rodney clarified that this issue would have to be resolved between the applicant and the current residents; the condo vs. fee simple arrangement was not a matter for the City to decide.

Councilmember Engert inquired whether any progress would happen if the Master Association did not come together with Mr. Grandhi to agree on fee simple lots or an association. Mr. Rodney replied that nothing could be brought forward to Planning Commission until those issues were worked out.

Mr. Matt Springer, 6848 Chardonay Drive, Centerville, spoke on behalf of the eight current members of the homeowners association. He stated that all eight active members of the association were in complete agreement and asked that Council reject Application P-2015-0039 for the following reasons:

- The residents wish to stay a condo association. Do not want to take on financial burdens associated with a fee simple lot change.
- They felt the applicant would sell the lots and be done with the project.
- Some residents would be required to refinance their mortgages.
- Mr. Grandhi proposed homes that are smaller than the smallest existing home in Chardonay Valley.
- They do not want numerous builders.
- They were concerned that construction might go on for years.

- They had concerns that the roadway and common area would not withstand construction traffic.
- They would like to have other options.

Mr. Raj Grandhi, 10708 Falls Creek Drive, responded that several options had been submitted to Mr. Rodney and Mr. Horn. He voiced frustration that he had made every effort in the last 90 days to settle the issues with the association to no avail, with little cooperation.

Mayor Compton asked Mr. Grandhi whether, with lack of a resolution of the overarching issues, he would be willing to go forward with a condominium plan. Mr. Grandhi stated that the original plan was a condo plan and that it was an acceptable possibility.

Mayor Compton pointed out that the application had been before Council for four months. He clarified that fee simple lots would not be able to be used, without the agreement of the association. Mayor Compton asked whether builders were obligated to take care of any damages to roads during the building process. Mr. Rodney stated that the normal bonding that is required of contractors when doing work within the City would not be required, because the streets were private. Mr. Liberman clarified the responsibility of the City would not be the same with private streets as with public ones. The City would not be the enforcing agent for maintenance. However, this responsibility could be assigned as a condition of approval for the Final Development Plan. He explained the need for some legal entity/regime to take care of these items.

Mr. Springer spoke again of his concerns about the fee simple plan and said he wanted it in the record that he did not appreciate Mr. Grandhi calling him a liar.

Seeing no further speakers, Mayor Compton closed the public hearing and asked for a motion to approve the Preliminary Development Plan for The Villas of Centerville with the sixteen conditions recommended by staff.

Mr. Palcher stated that approving the Preliminary Development to move forward would not resolve the issues between the homeowners association and Mr. Grandhi. Mr. Liberman restated that a Preliminary Development Plan could be approved with the conditions, as listed. No Final Development Plan could be approved without resolution of the items in the conditions.

Mr. Serr made the motion to approve the Preliminary Development Plan subject to the 16 conditions of the staff report. Mr. Palcher seconded the motion. The motion passed with 6 ayes. The sixteen conditions included in the staff report as follows:

1. Any proposed roadway extensions or further lot development beyond what is proposed as part of this Preliminary Development Plan shall require an amendment to this Preliminary Development Plan.
2. Homes adjacent to Alex-Bell Road shall be single-story dwellings.
3. Prior to the issuance of zoning and building permits, Versailles Drive shall be repaired to a navigable condition to the satisfaction of the City Engineer.

4. Construction traffic shall be limited to Versailles Drive for Lots #7-15, and Chardonnay Drive for Lots #1-6 and 16-21.
5. A Homeowner's Association or other legal regime shall be established or re-activated to the satisfaction of the Municipal Attorney for the perpetual and consistent maintenance of all common areas.
6. Minimum front building setback shall be 25 feet from the edge of pavement along all streets and shared driveways.
7. The lot proposed as Open Space (Lot #14) shall be owned by the homeowner's association or other similar legal regime, or dedicated to the Centerville-Washington Park District, to ensure perpetual and consistent maintenance.
8. Prior to the issuance of zoning and building permits, all encroachments of existing buildings across property lines shall be corrected via record plat to the extent practicable.
9. Proposed home style, architecture, exterior materials, size, and design shall be consistent with the existing homes along Chardonnay Drive.
10. A set of building design standards shall accompany a Final Development Plan submittal which – at minimum – prohibit the use of vinyl or aluminum as the predominant siding material, and minimize the appearance of blank or featureless walls on corner lots.
11. The Applicant shall provide a Traffic Impact Study at the Final Development Plan stage to calculate trip generation expected by the proposed development and any recommendations of the TIS shall be incorporated into the Final Development Plan at the discretion of the City Engineer.
12. The final design of stormwater management infrastructure and individual lot drainage systems shall be in accordance with Article 9.35 of the UDO.
13. Parkland shall be dedicated and/or a fee-in-lieu paid in accordance with Article 9.47 of the UDO.
14. Development shall adhere to all floodplain development regulations as stipulated in Article 9.37 of the UDO.
15. Detailed comments from the Engineering Division will follow and shall be incorporated into the final development plan, record plan, and construction documents as appropriate subject to approval by the City Engineer.
16. Detailed comments from Montgomery County Water Services and utility companies will follow and shall be incorporated into the final development plan, record plan, and construction documents as appropriate subject to approval by the City Engineer.

In Standing Committee Reports, Mr. Beal reported the Bicycle Committee's most recent meeting involved building interconnections among areas of existing bike path networks. It was also recommended that Centerville should provide bicycle racks.

Mayor Compton explained that the Consent Agenda contains routine procedural and administrative matters the Council had discussed in Work Sessions. Members of Council read the Consent Agenda items into the record.

- A. Ordinance 07-16, An Ordinance To Amend Subsection B and Subsection G To Attachment A Of Ordinance Number 28-15, Establishing Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio. (Set for Public Hearing on April 18, 2016)
- B. Ordinance 04-16, An Ordinance Amending Section 672.09 Discharging Firearms Of The Codified Ordinance Of the City Of Centerville, Ohio. (Set for Public Hearing on April 18, 2016)
- C. Ordinance 06-16, An Ordinance To Amend Section 844.06, Mobile Food Vehicle Vendors, License Fee, Of The Centerville Municipal Code To Reduce The Annual License Fee Required Under The Mobile Food Vehicle Regulation. (Set for Public Hearing on April 18, 2016)
- D. Resolution 13-16, A Resolution To Appoint A Designee Of The Elected Officials For The Purposes Of The Public Records Law.
- E. Resolution 14-16, A Resolution Enacted By The City Of Centerville, Ohio, Hereinafter Referred to As The Legislative Authority/Local Public Agency Or "LPA" In The Matter Of A Safe Routes To School Project, PID NO. 98514.
- F. Resolution 15-16, A Resolution Authorizing The City Manager To Enter Into An Additional Contract with Kleingers Group For The Whipp Road And Wilmington Pike Improvements Phase II Project.
- G. Resolution 16-16, A Resolution Accepting The Bid Submitted By Adleta Construction Of Cincinnati, Ohio For The 2016 Concrete Program (Project SS-1B) For Concrete Repair On Streets And Sidewalks And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- H. Resolution 17-16, A Resolution Accepting The Project Agreement With Greene County And Authorizing The City Manager To Enter Into a Contract In Connection Therewith.
- I. Resolution 18-16, A Resolution Accepting The Bids Submitted By John R. Jurgensen, Co. Of Springfield, Ohio For The 2016 Asphalt Resurfacing Program (Project SS-1A) For Asphalt Resurfacing Of Streets And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.

- J. Resolution 19-16, A Resolution Accepting The Bids Submitted By Century Equipment For The Purchase Of A Rough Mower For The Golf Club At Yankee Trace In The City Of Centerville And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- K. Appointment To Be Made As Follows:
1. Carol Adams As A Member Of The City Beautiful Commission For A 3-Year Term.
- L. Reappointments To Be Made As Follows:
1. James Durham As A Member Of The Planning Commission For An Additional 4-Year Term.
 2. Jan Prettyman As Chair Of The City Beautiful Commission For An Additional 1-Year Term.
 3. Jim Briggs As A Member Of The Community Reinvestment Area Housing Council For An Additional 3-Year Term.

Members of Council asked a few questions before Mr. Palcher sponsored the Consent Agenda items and moved for their approval. Mrs. Kenley seconded the motion. The motion passed unanimously with six ayes.

Seeing no citizens that wished to make comments, Mayor Compton moved on to New Business.

EMERGENCY ORDINANCE NUMBER 03-16: AMENDING REGULATIONS FOR DISCHARGING FIREARMS

Mr. Horn explained that the opening of Cabela's necessitated this Emergency Ordinance. A small portion (approximately 800 square feet) of the retail store will be used for testing bows and arrows; it is not for public use as a shooting range. A trained archery instructor will be there at all times. Mr. Engert verified the area was strictly for the use of bows and arrows and not firearms. Mr. Horn agreed and stated the ordinance has been reviewed by the Law Director and the Police Department. Mr. Liberman added that this ordinance will only apply to retail establishments.

Mrs. Kenley sponsored Ordinance 03-16, An Emergency Ordinance Amending Section 672.09 Discharging Firearms Of The Codified Ordinance Of The City Of Centerville, Ohio, and moved for its approval. Mr. Engert seconded the motion. The motion passed with six ayes.

EMERGENCY ORDINANCE NO. 05-16: REDUCING THE LICENSE FEE
FOR MOBILE FOOD VENDORS

Mr. Horn explained the City's mobile food truck legislation evolved over time in response to issues that arose, including the need for background screening, the appropriate annual fee and the general process for the owners of food trucks when the mobile businesses were being used for a community event or a non-community event. Mr. Horn said, for the sake of expediency, this emergency ordinance would be passed with the expectation that the Law Director would bring forward other recommendations to resolve outstanding issues.

When Mr. Palcher inquired how the amount of \$50.00 was determined, Mr. Horn stated that it was the recommendation of the Heart of Centerville Committee. Mrs. Kenley added that the fee was discussed with the Dayton Food Truck Association.

Mrs. Kenley sponsored Emergency Ordinance 05-16, An Ordinance Amending Section 844.06 Mobile Food Vehicle Vendors, License Fee, Of the Centerville Municipal Code To Reduce The Annual License Fee Required Under The Mobile Food Vehicle Regulations, moved for its approval. The motion was seconded by Mr. Serr and passed 6-0.

There being no further business, the meeting was adjourned. The next regular meeting of the Centerville City Council was scheduled for April 18, 2016. A Special Meeting was scheduled for March 28, 2016.

Approved:


Mayor

ATTEST:


Clerk of Council