

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, April 18, 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 Jay Shailer of Epiphany Lutheran Church, and the Pledge of Allegiance to the Flag of the United States of America was given by Brownie Troop #35289, with Mayor Compton presiding. Councilmembers and staff were present as follows:

Deputy Mayor	Belinda Kenley
Councilmembers	John Beals
	Mark Engert
	John Palcher
	Bill Serr
	Joanne Rau
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

Mayor Compton welcomed Brownie Troop #35289 and thanked the girls for leading the Pledge of Allegiance.

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

Council Meeting	March 21, 2016.
	March 28, 2016.
Work Session Meetings	March 28, 2016.
	April 4, 2016.
	April 11, 2016.

Mr. Serr made a motion for approval of the minutes as distributed. Mrs. Rau seconded the motion to approve minutes, and it passed with seven ayes. Mrs. Rau abstained from the vote on the minutes from the meeting on March 21, 2016. Mr. Beals abstained from the vote on the minutes from the meetings held on March 28, 2016, and Mr. Palcher abstained from the vote on the minutes for the April 11, 2016 meeting.

After confirming with Mrs. Andrews that there were no official communications, Mayor Compton invited Chief Bruce Robertson to the podium to present Lifesaving Awards to Officer Edward Skinner and Centerville High School Nurse Gayle Couch. The Life Saving Award is given to those who directly render aid to save the life of another person. Chief Robertson

detailed the events that occurred on January 19, 2016 at Centerville High School when Officer Skinner and Nurse Couch saved an unresponsive male found in a locked and running automobile. Chief Robertson presented Officer Skinner the Lifesaving Award Certificate and a Lifesaving pin to wear on his uniform. He presented the Lifesaving Award certificate to Nurse Gayle Couch.

Mayor Compton expressed gratitude and pride in the Centerville Police Department and thanked Chief Robertson for the efforts of the CPD.

Mayor Compton introduced Steve Wenstrup, the Chairman of the Americana Festival, who gave a brief history of the event and announced this year's theme—"Keeping History Alive...Centerville-Washington History's 50<sup>th</sup> Anniversary." Mayor Compton presented a \$10,000.00 check to the festival committee and stated Council's support and appreciation for all of the dedicated individuals who work to make Americana Festival a great community event.

Mayor Compton administered the Oath of Office to Carol Adams as a member to the City Beautiful Commission for a term of three years.

Mayor Compton welcomed the students who will be participating in Youth in Government Day on April 26, 2016 where they will be shadowing various staff members and participating in a mock council meeting. The students and the roles they will be taking are as follows:

Mayor	Josh Holtz
Deputy Mayor	Jacob Steiner
Council Member	Brendan Buitendorp
Council Member	Audrey Wire
Council Member	Andrew Samborsky
Council Member	Erika Kerr
Council Member	Sahal Pracha
Clerk of Council	Tessa Beck
City Manager	Catherine Smith
Assistant to the City Manager/YT	Jon Knect
Assistant to the City Manager	Kevin Sandstrum
Director of Finance	Nikolas Blecki
City Planner	Emma Kain
Economic Development Administrator	Jacob Lawrence
City Engineer	Riley Christolear
Chief of Police	McKenna Myers
Director of Public Works	Swairah Rehman
Golf Maintenance Superintendent	Tessa Fedotowsy
Head Golf Professional	Cooper Jones
Director of Food Service	Taylor Pearson

In the Mayors report, Mayor Compton discussed a number of proclamations. The Call Before You Dig Proclamation related to a Safe Dig Month event that was held on April 8, 2016 at Yankee Trace in coordination with Montgomery County to encourage citizens to call 8-1-1

prior to doing any digging projects at their homes. The Mayor noted a proclamation had been prepared for May as Motorcycle Awareness Month, before asking Deputy Mayor Kenley to read the Arbor Day Proclamation declaring April 20, 2016 to be Arbor Day in the City of Centerville. On April 20, students will plant nine trees in Stubbs Park during the annual ceremony. Centerville has been designated a Tree City by Tree City USA for over two decades. Mr. Engert read the Clean Sweep Week Proclamation designating May 1 to May 6, 2016 as the time for free bulk pick up on regular trash collection routes in the City.

Mayor Compton announced the Interfaith Breakfast to be held at Yankee Trace on Wednesday April 20, 2016 at 8:30 A.M. He encouraged everyone to keep up to date with events occurring in Centerville by checking the [www.centervilleohio.gov](http://www.centervilleohio.gov) website and the UTube site.

In Council Reports, Councilmember John Beals reported on the groups he represents. The Centerville Washington History monthly speaker will be Rick Esposito presenting "Posters That Changed America" on Wednesday April 19, 2016 at 6:30 P.M. at the RecWest Community Enrichment Center. He said the Kalamian Memorial Golf Tournament Committee had begun meeting in preparation for the 19<sup>th</sup> Annual Event. Mr. Beals noted that the Miami Valley Regional Planning Board approved funding for Transportation Improvement Projects in Centerville which included planing and asphalt resurfacing of North Main Street from Franklin Street to I-67. Also approved was the widening of Yankee Street from two lanes to three lanes from Social Row Road to Winding Green Way. The approved long-range Transportation Plan tentatively included 15 projects within Centerville in the 240 projects to be funded through 2040. Mr. Beals also announced that the Sister City Committee received a letter from Saint Lambert, a suburb city of Montreal, saying that the municipality would be pleased to establish a Sister City relationship with Centerville.

Mayor Compton reported that several of the Councilmembers recently attended the Annual Miami Valley Regional Planning Council Dinner. He noted John Beals served as second vice-president for this organization, which is the conduit for dispersing federal dollars into projects in local communities.

In the City Manager report, Mr. Horn made a number of comments. He echoed Mayor Compton's praise of Officer Ed Skinner, adding that Centerville is one of two police departments in Montgomery County whose police officers also are trained as first responders. He noted Yankee Trace had a record number of rounds of golf for the month of April. He announced that ODOT would repave North Main Street from Franklin Street to I-675 late this summer. Mr. Horn also stated that a large contingent of volunteers from Fairhaven Church recently worked on service projects throughout the City. He shared that the Charter Review Commission had been meeting to consider the need for changes to the City Charter. Council should have a report within the next 6-8 weeks.

Mrs. Wilder gave the property maintenance report and outlined the community calendar for the months of April, May and June.

PUBLIC HEARING: APPLICATION P-2016-0011 – CONDITIONAL USE  
DRIVE THRU LANES FOR FIRST FINANCIAL BANK, CORNERSTONE NORTH

Mr. Rodney presented the staff report for the application by Sandra Tenhundfeld of K4 Architecture for approval of a drive-thru window and lanes for a use other than a restaurant in a B-PD zoning district for First Financial Bank at 5361 Cornerstone North Boulevard. Mr. Rodney used maps to locate the bank and the proposed drive-thru. He pointed out similar conditional use approvals for businesses in the immediate area and stated the architecture of the business appeared to be harmonious with adjacent land uses. At its meeting on March 29, 2016, the Planning Commission unanimously recommended approval of the Conditional Use Application. Believing that the Standards of Approval could be met, Staff also recommended that the drive-thru use be approved without conditions.

Mayor Compton opened the Public Hearing. Seeing no speakers, he closed the Public Hearing. After Mr. Beals inquired about the common driveway and the number of curb cuts, Deputy Mayor Kenley made a motion to approve the Conditional Use application. Mr. Beals seconded the motion; the motion passed with 7 ayes.

PUBLIC HEARING: APPLICATION P2016-0004 - APPEAL OF A PLANNING  
COMMISSION CONDITION FOR THE MAJOR SITE PLAN FOR SHOPPES III

Mr. Serr recused himself from this discussion.

Mr. Rodney gave the background for the appeal submitted by Robert Hall of Oberer Land Developers, asking for a review of the decision of the Planning Commission requiring direct public access to Cornerstone North Boulevard from each of the tenant spaces at Shoppes III, at 5231 Cornerstone North Boulevard.

Mr. Rodney reviewed the details of the Planning Commission meeting where the condition requiring a public entry onto Cornerstone Boulevard was approved by a 4-3 vote. The majority of the members felt dual entries or a primary entry onto Cornerstone Boulevard would support the intended pedestrian connectivity to the Village area, just to the east. Staff believed the lack of a public entry onto Cornerstone Boulevard would limit pedestrian activity and would push back door functions onto the public street.

Mr. Rodney noted that the condition did not require that the “primary” entrance be on Cornerstone Boulevard, only that a public access to Cornerstone Boulevard be available. He said if Council did not uphold the decision of the Planning Commission, Shoppes III would be the only building in the “Village Area” that would not have a public face on Cornerstone North Boulevard. Although Shoppes I had no public access for Cornerstone Boulevard, Planning Commission and Staff did not wish to continue that trend. Mr. Rodney pointed out the Development Agreement stated the parties acknowledge that they will promote pedestrian connectivity. Mr. Rodney said he had contacted other developers with similar situations in the surrounding areas. They had not encountered major issues with dual entries.

When Mayor Compton opened the Public Hearing, Mr. Robert Hall of Oberer Land Developers, 3475 Newmark Drive, Miamisburg, Ohio 45342, explained the developer did not

want to mandate to its clients where entrances had to be. Additionally, the requirement for an entrance on Cornerstone North Boulevard could create practical difficulties for restaurant businesses and limit potential tenants for occupancy of the buildings. Oberer Land Developers respectfully requested that condition number 1 for the approval of the Major Site Plan for Shoppes III related to access be removed.

Discussion with Mr. Hall followed. Mayor Compton pointed out that, if none of the four businesses had an entrance from Cornerstone Blvd., it would give a “back entrance” appearance at the street that was not compatible with the Village concept. Mr. Hall showed a diagram of the proposed pedestrian traffic pattern to the building’s entrances. Mrs. Rau clarified Mr. Hall’s diagram. She asked whether Mr. Hall had spoken with any of his tenants regarding this requirement. Mr. Hall’s response was that the tenants saw the Wilmington Pike façade near the parking lot as the front door.

Mr. Beals stated that he supported the decision of the Planning Department to create a walkable environment, especially in the vicinity of the hotel. Walkability would be affected by the location of the entrances of the businesses. Mr. Hall responded he did not understand the concern about pedestrians walking around to an entrance on the other side of the building. Mr. Beals also voiced concern that the street would be used as an alley as demonstrated by the current businesses using the street access for restocking.

When Mayor Compton inquired how the issue would be addressed if an entrance on Cornerstone North Boulevard was not be feasible for a tenant. Mr. Liberman advised that a plan amendment or variance would have to go through Planning Commission.

Mr. Rodney pointed out that the east and west entrances proposed by the developer, were not designed for pedestrian traffic. These accessed outdoor seating areas.

Mr. Beals and Mr. Engert expressed support for the Planning Commission decision. Mr. Engert felt dual entries would add to the uniqueness of the building.

Mayor Compton closed the Public Hearing and addressed Mr. Hall expressing that Council was pleased with Shoppes I and shared some of his concerns. However, overall, Council wished to see pedestrian connectivity fostered in this area.

Mr. Engert made a motion to uphold the decision of the Planning Commission and deny the appeal. Mr. Beals seconded the motion; it passed with 6 ayes.

Mr. Serr re-entered the meeting at this time.

PUBLIC HEARING: APPLICATION P2016-0007  
REPLAT FOR CONSOLIDATION OF TWO LOTS AT LIBERTY COLLISION CENTER

Mr. Rodney presented the background for the application by Brent Fraley of Fraley and Fraley for the consolidation of two lots at 928 and 940 E. Franklin Street, because the main building currently straddles the lot lines of adjacent parcels. Mr. Rodney provided information regarding this property and the significant improvements that Liberty Collision Center, the new

owner, had planned. At the March meeting, Planning Commission recommended approval of the replat without conditions.

Mr. Beals moved for the approval of Application P2016-007, and Mr. Palcher seconded the motion. The motion passed with 7 ayes. No conditions were attached to the approval.

There were no reports from Standing Committees.

Mayor Compton explained that the Consent Agenda contains routine procedural and administrative matters the Council had discussed in Work Sessions. In consultation with the City Manager, Mayor Compton requested Item "I" be removed from the Consent Agenda. Members of Council read the following Consent Agenda items into record, omitting Item "I"

- A. Resolution Number 27-16, A Resolution Authorizing The City Manager, On Behalf Of The City Of Centerville, To Accept A Planning Grant From The Montgomery County Land Reutilization Corporation And To Enter Into An Agreement Related Thereto.
- B. Resolution Number 28-16, A Resolution Authorizing The City Manager, On Behalf Of The City Of Centerville, To Enter Into An Agreement With Market Metrics, LLC, For Consulting Services.
- C. Resolution Number 29-16, A Resolution Authorizing The City Manager, On Behalf Of The City Of Centerville, To Enter Into An Agreement With The Kleingers Group, Inc. For Consulting Services.
- D. Resolution Number 30-16, A Resolution Authorizing The City Manager To Enter Into An Agreement For Electric Generation Supply With A Competitive Retail Electric Service Provider.
- E. Resolution Number 31-16, A Resolution Authorizing And Directing The City Manager To Take All Steps And Execute All Documents Necessary In Order To Affect The Purchase Of Real Property And A Right Of Entry Agreement With Richard S. Carper For Property Located At 2650 East Whipp Road In Montgomery County.
- F. Resolution Number 32-16, A Resolution Authorizing And Directing The City Manager To Take All Steps And Execute All Documents Necessary In Order To Affect The Purchase Of Real Property And A Right Of Entry Agreement With Chicken Little Real Estate, LLC For Property Located At 5501 Wilmington Pike In Montgomery County.
- G. Resolution Number 33-16, A Resolution Authorizing And Directing The City Manager To Take All Steps And Execute All Documents Necessary In Order To Affect The Purchase Of Real Property And A Right Of Entry Agreement With Heartland Federal Credit Union For Property Located At Corner Of Whipp Road And Old Whipp Court In Montgomery County.

- H. Resolution Number 34-16. A Resolution Authorizing And Directing The City Manager To Take All Steps And Execute All Documents Necessary In Order To Affect The Purchase Of Real Property And A Right Of Entry Agreement With Dayton Korean Baptist Church For Property Located At 5041-5051 Wilmington Pike In Montgomery County.
- ~~I. A Resolution Accepting The Bid Submitted By McNeilus Truck And Manufacturing Of Fairfield, Ohio For The Purchase Of One Automated Side Loading Refuse Packer (Diesel Fueled) Demo Vehicle And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.~~
- J. Resolution Number 35-16. A Resolution Authorizing The Amendment Of The City Manager's Contract Commencing April 30, 2016.
- K. Appointment of Chris Papakirk to the Board of Architectural Review for a term of three years.

For the resolutions related to Centerville Place, Mr. Horn explained that Mr. Rodney worked on a grant application with the Montgomery County Land Bank to undertake a redevelopment study. Mr. Rodney detailed the grant process and amount awarded, and efforts to incorporate surrounding businesses into the project. The City will contract with Kleingers and Market Metrics, consultants for the study, to examine the area and create a potential redevelopment plan. The study will be underway by early May, and plans should be ready for presentation to Council by late summer or early fall. Mayor Compton expressed his enthusiasm for the acquisition of the grant and the potential redevelopment of the area. Mr. Beals pointed out the walkability of Centerville Place.

Mrs. Rau sponsored the above Consent Agenda with Item "I" removed. Mrs. Kenley seconded the motion. The motion passed 7-0.

Seeing no citizens who wished to make comments, Mayor Compton moved on to Old Business.

#### PUBLIC HEARING: ORDINANCE NO. 04-16, AMENDING FIREARMS ORDINANCE

In explanation of this agenda item, Mr. Liberman referenced the Emergency Ordinance that was passed by Council at a recent meeting to change Section 672.09, of the Municipal Code in order to permit a retail store to use less than 5% of its space for an indoor archery testing range.

Mayor Compton opened the Public Hearing, but seeing no speakers, he closed it. Mr. Beals noted he had observed the archery range in Cabela's. Mayor Compton attended the grand opening of Cabelas, and commended the good work of staff in helping the business come to our community.

Mr. Beals sponsored Ordinance 04-16, An Ordinance Amending Section 672.09, Discharging Firearms, Of The Codified Ordinance Of The City Of Centerville, Ohio, and moved for its approval. Mr. Palcher seconded the motion. The motion passed 7-0.

PUBLIC HEARING: ORDINANCE NO. 06-16  
AMENDING MOBILE FOOD VENDOR LICENSE FEE

Mr. Horn pointed out that Deputy Mayor Kenley had brought information back to Council from the Business Task Force requesting reconsideration of the license fee for food truck vendors to reduce the fee from \$200 to \$50.

Mayor Compton opened the Public Hearing and seeing no one who wished to make a comment on Ordinance No. 06-16, he closed the Public Hearing.

Mrs. Kenley sponsored Ordinance No. 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 Regulations, and moved that it be passed. Mr. Serr seconded the motion. The motion passed 7-0.

PUBLIC HEARING: ORDINANCE 07-16  
REVISING THE PAY ORDINANCE FOR CITY OF CENTERVILLE EMPLOYEES

Mr. Horn reviewed the updates for the pay classification ordinance for a couple of position changes and pay range changes. Included were the addition of the positions of Deputy City Manager and Public Works Auxiliary Maintenance Worker with corresponding pay ranges and the movement of Human Resource Manager from Section II to Section I with a pay differential. The pay range for Interns was increased.

Mayor Compton opened the Public Hearing for Ordinance 07-16; there being no questions he closed it.

Mr. Beals sponsored 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, be passed. The motion was seconded by Mrs. Rau. The motion passed with a 7-0 vote.

PUBLIC HEARING: ORDINANCE 08-16  
YANKEE TRACE WOODS, LLC PROPERTY ASSESSMENT.

Mr. Cahall explained that this ordinance was the next step in the development process for The Grove at Yankee Trace. It would allow for the City to move forward with financing the construction of infrastructure improvements.

Mayor Compton opened the Public Hearing.

Mr. Jack Wysong, 664 Legendary Way, asked for a clarification of what roadways were included in this project and whether there was access from Paragon Road. He expressed his



concern about the safety of a curb cut so close to the S-curve on Paragon Road. He said he preferred access from Shawnee Trail. Mayor Compton explained that the County Engineer had determined that there would be safe sight distance. Mr. Wysong asked to be put on record against the road cut on Paragon Road.

Both Mr. Tony Mauro of 9597 Paragon Road, and Mr. Wysong wanted to know whether Montgomery County or Washington Township owned the right-of-way. In response, Mr. Horn said he had heard indirectly that there had been disagreements between the developer and the township regarding access to the development, but the County Engineer had indicated the project could move forward.

Mr. Wysong stated this was an example of the lack of cooperation between the City and surrounding jurisdictions.

Mayor Compton thanked the citizens for their comments, before explaining the issue had been properly vetted by staff and Council was in support of the development.

Seeing no further speakers, Mayor Compton closed the Public Hearing.

Due to a timing issue with preparatory work for the project, Mr. Cahall requested that this matter be tabled until May 16, 2016. Mr. Beals made a motion to table consideration of Ordinance No. 08-16 until the next regular meeting. The motion was seconded by Mr. Palcher, and it passed with a vote of 7-0.

Mayor Compton announced the first item of New Business.

PUBLIC HEARING: EMERGENCY ORDINANCE NO. 09-16  
APPROPRIATING PROPERTY AT 5525 WILMINGTON PIKE FOR RIGHT-OF-WAY

Mr. Cahall gave a staff report explaining that this ordinance is required in order to proceed with the acquisition of right of way for the Wilmington Pike roadway improvement project. The City had not been able to come to an agreement with the property owner, and this legislation would allow the city to proceed to Common Pleas Court for eminent domain action.

Mrs. Kenley sponsored Emergency Ordinance 09-16, An Emergency Ordinance By The Council Of The City Of Centerville, Montgomery County, State Of Ohio To Appropriate All Right Title And Interest In A Certain Parcel Of Real Property Located At 5525 Wilmington Pike, Centerville, Ohio For The Purpose Of Public Right-Of-Way, Water Main Easement And Temporary Construction Easement Purposes; And Declaring An Emergency, and moved that it be passed. Mr. Serr seconded the motion. The motion passed with seven ayes.

EMERGENCY ORDINANCE NO. 10-16  
APPROPRIATING PROPERTY AT 5495 WHIPP ROAD FOR PUBLIC RIGHT-OF-WAY.

Mr. Cahall stated that this ordinance would handle the same situation as the previous one, authorizing the City to file with the Common Pleas Court for right-of-way-in order to move forward with the Wilmington Pike widening project.

Mrs. Rau sponsored Emergency Order 10-16, An Emergency Ordinance By The Council Of The City Of Centerville, Montgomery County, State Of Ohio To Appropriate All Right Title And Interest In A Certain Parcel Of Real Property Located At 5495 Whipp Road, Centerville, Ohio For The Purpose Of Public Right-Of-Way, Water Main Easement And Temporary Construction Easement Purposes; And Declaring An Emergency, and moved that it be passed. Mr. Palcher seconded the motion. The motion passed with seven ayes.

There being no further business, the meeting was adjourned. The next regular meeting of the Centerville City Council was scheduled for May 16, 2016.

Approved: *Booth A. Conyston*  
Mayor

ATTEST: *Cain R. Andrews*  
Clerk of Council