

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, July 18, 2016, at 7:30 P.M. in the Council Chambers of the Centerville Municipal Building. The meeting was opened with a flag presentation ceremony done by Girl Scout Troup 34506, and the Pledge of Allegiance to the Flag of the United States of America, with Mayor Compton presiding. An invocation was given by Barb Hancock, Baha'I Faith. Councilmembers and staff were present as follows:

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

Clerk of Council Carin Andrews
City Manager Gregory Horn
Finance Director Jonathan Hudson
City Planner Andrew Rodney
Economic Development Administrator Nathan Cahall
Public Work Director Doug Spitler
City Engineer Jim Brinegar
Assistant to the City Manager Kristen Gopman
Municipal Attorney Scott Liberman

Mayor Compton invited the Girls Scouts of Troop 34506 to the podium to introduce themselves and to thank them for the flag presentation ceremony.

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

Council Meeting	June 20, 2016.
	July 11, 2016.

Work Session Meetings	June 20, 2016.
	July 11, 2016.

Mr. Palcher made a motion for approval of the minutes, as distributed, Mrs. Rau seconded the motion, and it was passed with seven ayes. Mrs. Kenley abstained from the vote on the minutes of the Work Session and Council Meeting held on June 20, 2016.

After Mayor Compton confirmed with Mrs. Andrews there were no official communications, he made announcements concerning the agenda. He stated Item "17. A." Ordinance 08-16, relating to infrastructure improvements for The Grove at Yankee Trace, was tabled at the previous City Council meeting and would be tabled again with no public comments at this meeting. In addition, Mayor Compton removed several items from the agenda. Under the Report of the Planning Commission Item "D.3." 3, he deleted the Record Plan for the Randall Residence and Item "D. 4." the Record Plan for Woodlands Greens. For the Consent Agenda, he

delayed setting the Public Hearings for “A., B., C., and D.,” until a future date, so Council would have more time for discussion of the proposed amendments.

Chief Bruce Robertson expressed the gratitude of the Centerville Police Departments to Council and the community for the outpouring of support in the wake of the recent attacks on police around the country. Chief Robertson stressed that officers have good rapport with the citizens of Centerville. He gave the example of upcoming lunches in cooperation with businesswoman Lisa Elam of Bill’s Donuts providing cookouts for the residents of Chevy Chase. These interactions will take place on Mondays until the beginning of the school year.

Mayor Compton presented a certificate of congratulations to David Zimmer who recently earned the rank of Eagle Scout. His project was installing equipment storage cubicles at the baseball dugouts at Dayton Christian School.

The Mayor welcomed Sean Dwyer, a student at Tower Heights, and presented a certificate of congratulations to him for being the highest ranking Irish dancer from North America in the 2016 World Championship Irish Dance Competition. Sean Dwyer is preparing for the Regional Championship in Chicago, the All Ireland Championship in Belfast Ireland, and the 2017 World Championship in Dublin, Ireland. Sean receives his instruction from the Dwyer School of Dance in Centerville.

Deputy Mayor Kenley read the Proclamation for the Ohio Volunteer Challenge for Feed Ohio 2016, September 1-30, 2016. The partnership assists the Ohio Association of Food Banks and other community entities to feed needy Ohioans in all eighty-eight counties. Representative Ionio Andrus stated last year the Feed Ohio Campaign provided 28,000 meals within the Centerville community. He expressed his gratitude to the community and thanked Council for acknowledging the program.

Council recognized Mr. Jim Briggs for his dedicated service on the Planning Commission. Mayor Compton detailed Mr. Briggs’ involvement within the community and praised his contributions during nearly 17 years on the Planning Commission. Mr. Briggs commended the leadership of staff and the City Council. He shared that it had been an honor and privilege to work for the City on the Planning Commission. Mayor Compton presented a certificate of appreciation to Mr. Briggs.

Mrs. Jan Prettyman, Chair of the City Beautiful Commission, announced summer award winners. Skyline Chili, 945 South Main Street, owned by Mr. Mike Sauer, was the July Business Pride Award winner. General Manager, Aaron Fannin, accepted the award. Mrs. Prettyman noted the July Residential Landscape Award winners were as follows:

JULY

Paula Wildenhau
6621 Sandyhill Drive

Pat Bethel
175 Weller Avenue

Wayne & Judy Schuler
850 Kentshire Drive

Carol Hamilton
215 Zengel Drive

John & Nancy Carter
7906 Southbury Drive

Ted & Jan Frederick
430 Island Lake Court

Andrew & Kristy Harmon
1258 Water's Edge Drive

Mrs. Kim Senft-Paras, Director of the Washington Centerville Public Libraries, gave an update and presented statistics defining the growth and varied activities of the library system. She mentioned topics of interest such as the increase in ebook checkouts, the high number of students in the summer reading club, the Smart Money exhibit, the Little Free Libraries in the parks, the brown bag business lunch program, and the generous contributions of the Friends of Washington Centerville Library. She noted that most library funding comes from a 3 mill operating levy passed in 2011 and from the Ohio Public Library Fund. She shared that revenue from State library fund was projected to decrease by 2017. She explained the expansion and renovation of the Woodbourne Library was slated for 2017. She announced the library is seeking a temporary location during the 15-month construction period. Mrs. Senft-Paras thanked Public Works Director Doug Spittler for his ongoing help.

In the Mayor's Report, Mayor Compton thanked Doug Spittler, the entire Public Works staff, the Centerville Police Department and especially Mrs. Maureen Russell-Hodgson for efforts making the Americana Festival a successful event, despite the challenging weather conditions. He also thanked the Arts Commission and staff for organizing the Summer Concert Series. On Sunday July 10, 2016, Mrs. Kenley introduced the "The Menus" who performed to a crowd of 3,000. On Saturday July 16, Mr. Palcher introduced the "Ryan Roth Elvis" show with an audience of 2,000. Staff estimated attendance at 1,800 for "Tom Daugherty" on Sunday July 17. Although the concerts are being offered free of charge, concert goers are encouraged to contribute to the concert series at the City booth.

Mayor Compton made several announcements. He noted the Sugarcreek Township Trustees placed an issue on the November ballot to form a separate fire district. The City will continue to monitor the situation closely. He said Council was confident it was taking a responsible approach in this matter. Additionally, the Washington Township Trustees recently signed a contract for fire and EMS dispatching through the Montgomery County Regional Dispatch Center. He shared Council invited Washington Township Fire Chief Bill Gaul to a work session to discuss the issue, because Council was disappointed that Washington Township did not consider locating the dispatch center at the Centerville Police Department. The Centerville Police Department has dispatchers who are familiar with the local streets and subdivisions. The CPD already provides dispatching services for the City of West Carrollton which has been extremely satisfied with the services provided and the economical price.

Mr. Horn agreed that the contract with the Montgomery County Regional Dispatch was a disappointing outcome and gave some background. In November 2015, Mayor Kingseed sent a letter to the Washington Township Trustees communicating that Centerville was aware of ongoing discussions about co-locating the dispatch center and requested that Centerville have an opportunity to submit an alternative proposal, but he received no response from the Trustees. Recently, it was learned that the Trustees had reached an agreement with the Montgomery

County Regional Dispatch Center, in spite of the fact that using the Centerville Police Department would have kept emergency services dispatch in the local community which funds the operations. Additionally, the Centerville Police Department is manned 24 hours a day, 7 days a week. Citizens can easily walk in; since the facility is centrally located for the entire township.

Discussion of the dispatch issue continued. Mayor Compton pointed out the joint Emergency Operations Center, the command center for disaster situations in Centerville and Washington Township, is at the Centerville Police Department. Annual training includes mock disaster exercises. To have the dispatch center working in harmony with the EOC would seem to be ideal. Mr. Beals stated 40% of the population the Washington Township EMS and Fire units serve reside in the City of Centerville. Taking into consideration the number of assisted care facilities located in Centerville, it could be estimated that Centerville has more than 50% of the EMS runs made by the WTFD. Councilmember Engert voiced his disappointment that the two governments missed an opportunity to work together in the best interest of both communities.

In Councilmember reports Mr. Beals, shared the Miami Valley Regional Planning Commission received the "Achievement Award" from the National Association of Regional Councils for its "Going Places" initiative, a comprehensive regional land use planning program focusing on maximizing use of existing infrastructure, building upon regional assets, preserving agricultural land and open space, and encouraging community connection and cooperation.

In the City Manager report Mr. Horn detailed the following:

He announced Mr. Jonathan Hudson, the Assistant Finance Director since 2012, was appointed Finance Director and will be responsible for preparing the City's annual budget and financial reports. He will also be in charge of income tax collection and information technology activities.

He stated Yankee Trace has had a phenomenal year—the best in a decade. Mr. Horn thanked all staff members and volunteers for their extraordinary efforts.

Mr. Horn pointed out the positive gestures made by the citizens to the Centerville Police Department were very meaningful and were very much appreciated.

With thousands of residents attending the concerts at Stubbs Park in the past couple of weeks, he pointed out that sponsorship of the concert series was a great way for businesses to reach the local community.

Mrs. Gopman gave the property maintenance report and outlined the community calendar for the months of July and August.

At this time, Mayor Compton called a recess from 9:10 P.M. to 9:20 P.M.

APPLICATION P-2016-0017: APPEAL OF THE DECISION OF THE PLANNING
COMMISSION DENYING A VARIANCE FOR ADDITIONAL HEIGHT FOR A BEACON
FEATURE AT HILTON HOME2 SUITES HOTEL

Mr. Rodney presented the staff report for the appeal of the decision reached by the Planning Commission on May 24, 2016 concerning a variance application submitted by Mr. Ajay Patel of Scarlet and Gray Hospitality for additional height for a Hilton Home2 Suites Hotel, 5161 Cornerstone North Boulevard. At the meeting, Planning Commission approved a variance for a screened dumpster in the front yard along Wilmington Pike and a variance for an extra four feet of height for a cornice (to 49 feet) but denied the variance for an extra four feet (to 53 feet) of height over the main entry on the south façade to accommodate an illuminated beacon. Mr. Patel appealed the decision and requested approval of the full 53 feet to permit the illuminated beacon, an iconic Hilton feature atop the parapet over the main entrance. Mr. Rodney showed images of Hilton Home2 facilities depicting similar illuminated brand standard beacons.

In the staff analysis, Mr. Rodney stated he had had little issue with increasing the allowable building height to 49' for a prominent architectural element at the building entryway. The material and the architecture were consistent with the building as a whole. However, Staff did not support further extension up to 53 feet for the proposed illuminated beacon. The beacon was not consistent with the material or any other element of the building's design, nor was it structurally significant. It was generally not in keeping with architectural standards in Cornerstone or Centerville and could be considered "Signage" under the Unified Development Ordinance.

Mr. Rodney presented background on the vote of the Planning Commission. He noted the Planning Commission had not come to a conclusion on whether the beacon should be treated as a sign. The Planning Commission did not feel there was enough evidence of hardship or practical difficulty as a basis to justify granting the height variance up to 53 feet for the beacon. By a 4-2 vote, Planning Commission approved a variance for building height only up to 49 feet to the top of the entryway cornice, with the following two (2) conditions:

1. Maximum building height shall be 49' to the top of the cornice for the entry feature on the south façade as noted on the Major Site Plan documents stamped Received on May 18, 2016.
2. No wall sign shall be mounted above 45 feet.

A memo from Mr. Liberman, the Municipal Attorney, outlined his opinion that the "beacon" should be considered a sign under the Unified Development Ordinance and expressed concern about setting a precedent for future applicants to request similar features. He suggested the following possible options for Council action on the matter:

1. Find the "beacon" is a sign and require the Applicant to reapply for a sign variance.
2. Find the "beacon" is a sign and grant a variance for its placement on the roof.
3. Grant the variance for building height, determining the "beacon" to be an architectural element.

At the request of Mayor Compton, Mr. Liberman gave a further explanation of the memo, quoting the UDO definition of a sign and elements from the minutes of the Planning Commission meeting. Mr. Liberman felt the issue of whether the beacon was or was not a sign should be part of the discussion at this meeting.

Mayor Compton asked for confirmation from Mr. Liberman that one of the options for the appeal to be granted would be if the beacon was determined to be an architectural element. Mr. Liberman answered in the affirmative. He stated, a variance would stand only for this property; however in the future, the reasoning could be used in other applications.

Mr. Horn cited an example of a business that requested an LED lighting to go around the perimeter of their building. With the application, Planning put this request within the sign package, and the lighting was limited to a specific area on the building. Mr. Horn's concern was the lack of control if the beacon was not considered a sign.

Councilmembers commented with questions and opinions. Mrs. Kenley voiced that the beacon on Home2 did not fall under this description, but was an attractive feature of the building. Mayor Compton asked Mr. Rodney if the beacon could be considered an architectural element. Mr. Rodney described the entry feature as extending higher than the average height of the building. When Mrs. Rau inquired if there were other prominent entrances to the building, Mr. Rodney responded there were several other key entrances.

Mayor Compton opened the Public Hearing.

Mr. Ajay Patel of 1358 Lyndhurst Drive, Beavercreek, who was the applicant and a local hotel developer, distributed information detailing the features of the Hilton Home2 Suites and highlighted the positive economic impacts of having a Home2 Suites in Centerville. Hotels are the only businesses in the city that collect both County and City sales tax. It was his opinion that the Planning Commission denied the additional height was because the proposed beacon was considered a sign and not an architectural design element. Having worked with staff and the Planning Commission, Mr. Patel stated that he had procured an agreement from Hilton Corporate to have the illumination subject to local approval. He did not understand the delay. Mr. Patel requested Council approve the additional height for the beacon as an architectural feature so he could move forward with constructing the building.

Mr. Chris Brock, Senior Director of Development for Hilton, reiterated the positive aspects of the Home2 Suites by Hilton. The development team at Hilton had determined the beacon as an architectural element. He stressed that Hilton prided itself in consistency, and the iconic beacon was part of the brand standard requirements.

Questions from Council followed. Mr. Serr inquired if the project was dead if the beacon was not allowed and noted a picture on the Hilton website showing a Home2 Suites in a downtown urban area that did not have a beacon. Mr. Brock responded, only in the case of an adaptive reuse of a building was the beacon optional. The company required the beacon for suburban locations with flexibility for the degree of illumination. When Mrs. Rau asked whether the beacon would be illuminated 24 hours a day and 7 days a week, Mr. Brock answered in the affirmative. Mayor Compton confirmed with Mr. Brock that no lights or glare would shine out or

down from the area. Mr. Beals suggested putting the beacon on top of the portico. Mr. Brock insisted the architectural design called for the beacon to be placed on top of the building. Councilmember Palcher inquired about marketing feedback whether customers looked for the beacon. Mr. Brock replied that a dimly lit beacon was not what drew customers to the Home2 Suites. Mr. Beals stated he felt the height was problematic. Additional height over the standard 45 feet was already granted. Because of the proximity of residences on Wilmington Pike, Mrs. Rau asked about Hilton hotels in residential neighborhoods. Mr. Brock said that the few hotels in his multi-state district that back up to neighborhoods had not garnered complaints from the residents. Mayor Compton questioned whether there had been complaints about the height of the hotels or the illuminated panels. Mr. Brock stated he knew of none.

Mr. George Oberer Jr. of Oberer Developers, Ltd, stated Cornerstone was proud to have a Home2 Suites as a part of the development. He pointed out Mr. Patel had revised his plans a number of times to meet the strict requirements. Mr. Oberer noted the height variance request was for a limited area and said he did not want to have to settle for a lesser quality hotel.

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

Comments from Council continued. Mrs. Rau suggested trends in hotel and building lighting were something to consider in UDO revisions. The Unified Development Ordinance did not address the issue well. She felt the way the Ordinances currently were written, the Home2 beacon should be classified as a sign. She reiterated her concern for the residential neighbors. Mr. Serr was in agreement with Councilmember Rau that the beacon was a sign according to the definition in the UDO. He inquired how to attach a condition to a variance that would regulate the illumination. Mr. Rodney cautioned Council that if the beacon was determined to be a sign and a variance on the roof was approved, that the sign would be subject to other regulations of the zoning code, regarding size, area, location on the building and things of that nature. He wanted to make it clear that additional work and delays might be required if the beacon was determined to be a sign.

Mr. Palcher pointed out, if the beacon was determined to be an architectural element, Council could ask the applicant to work with the Planning Department to determine the appropriate illumination. Mr. Beals offered a compromise that the beacon be illuminated on only three sides, not illuminating the west side, facing the residential neighborhood. Mayor Compton stated the opinion there was overemphasis of the illumination of the panels. The Hilton representative defined the beacon as an architectural element. The Planning Commission approved the plan with an architectural element up to 49 feet. The question before Council this evening is whether we are going to approve an additional four feet for the architectural element.

After Mrs. Rau reiterated that she thought it was a sign, and that control over roof top signs needs to be maintained, Mr. Serr moved to grant the appeal to permit the additional 4' of height for an "architectural element" subject to the condition that the appropriate illumination shall be subject to the approval of the City Planner. Deputy Mayor Kenley seconded the motion. A roll call vote showed the motion passed 5-2, with Mrs. Rau and Mr. Beals voting no.

Mr. Serr recused himself from the following agenda item and left the Council Chambers.

PUBLIC HEARING: AMENDMENT TO FINAL DEVELOPMENT PLAN FOR PARKING
BETHANY LUTHERAN VILLAGE 6451 FAR HILLS AVENUE

Mr. Rodney gave the staff report for Application P2016-0026, an Amendment to the Final Development Plan requested by Jeffrey Van Atta of Van Atta Engineering for a parking lot for staff use at Bethany Lutheran Village. The proposal was to add 98 parking spaces at the southeast corner of Bethany Village along Far Hills Avenue, just west of the retaining wall along the sidewalk. Mounding and landscaping on the State Route 48 side would screen the additional parking area. The update required an amendment to the Final Development Plan. The revision will require the demolition of a house and the removal of several mature trees. In June, Planning Commission voted 6-0 to recommend approval of the amendment with several conditions that have been met. The members also approved the Major Site Plan, Application P-2016-0027. Because the Standards of Approval could be met, staff recommended approval of the application without conditions.

When Mayor Compton opened the Public Hearing, Mr. Jeff Van Atta, 570 Congress Park Drive, Dayton, stated agreement with the recommendation and willingness to answer questions. Mr. Beals inquired about the size of the parking spaces and the possibility of a secondary entry. Mr. Van Atta stated that dual entries were considered; the parking spaces and drive aisles met the City's requirements.

Mr. Beals made a motion to approve the Amendment to the Final Development Plan for Bethany Village. Mr. Palcher seconded the motion. The motion to approve passed with a 6-0 vote. Mr. Serr returned to the meeting at this time.

There were no Standing Committee Reports, but Mrs. Kenley took the opportunity to thank everyone for kindnesses shown following her husband's recent surgery.

Mayor Compton explained that 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 omitting Items A. through D. as previously noted.

- ~~A. 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 Regulations For Administration And Definitions. (Set for Public Hearing September 19, 2016)~~
- ~~B. 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 Regulations For Development Standards. (Set for Public Hearing September 19, 2016)~~
- ~~C. 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 Development Procedures. (Set for Public Hearing September 19, 2016)~~

~~D. 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 Signs and Definitions. (Set for Public Hearing September 19, 2016)~~

E. Resolution 54-16: A Resolution Declaring Specific Property No Longer Utilized By The City Of Centerville As Surplus Property And Authorizing The City Manager To Dispose Of Said Surplus Property In Accordance With The Guidelines Stated Herein, be passed.

F. Appointment as follows:

Susan R. Jessee – City Beautiful Commission – term of three years.

Mr. Palcher sponsored the Consent Agenda, minus Items A through D and moved for approval. Mrs. Kenley seconded the motion. The motion passed unanimously.

OLD BUSINESS

PUBLIC HEARING FOR ORDINANCE NUMBER 08-16: DETERMINING TO PROCEED WITH THE CONSTRUCTION AND INSTALLATION OF INFRASTRUCTURE FOR YANKEE TRACE WOODS

Because Council tabled consideration of this ordinance on June 20, 2016, Mrs. Rau made a motion to remove it from the table. Mr. Beals seconded the motion. The motion passed 7-0.

Mr. Beals made a motion to retable Ordinance 08-16 until the Council meeting on August 15, 2016. Mr. Palcher seconded the motion. The motion passed with 7 ayes.

PUBLIC HEARING: FOR ORDINANCE NUMBER 13-16: DETERMINING TO PROCEED WITH THE CONSTRUCTION OF INSTRUCTURE FOR CORNERSTONE PHASE III

Municipal Attorney Scott Liberman gave background information on this ordinance required in order to continue the process for using Special Assessment Financing to fund Cornerstone Phase III public infrastructure, as was requested by George Oberer, Jr. and Cornerstone Developers, Ltd., as discussed at the special meeting on July 11, 2016. In order to make use of Special Assessment Financing, the City and the developer entered into a Supplemental Memorandum of Understanding and an Indemnity Agreement. The SAF project required passage of a Resolution of Necessity passed at the earlier meeting and this Ordinance to Proceed.

Before opening the Public Hearing, Mayor Compton acknowledged the efforts of Mr. Liberman organizing the Special Assessment Financing in a timely manner.

Mr. George Oberer, Jr., of Oberer Developers graciously thanked staff and Council for working with his company to facilitate the use of Special Assessment Financing for the

Cornerstone Phase III improvements. He respectfully requested approval of Ordinance Number 13-16.

Mayor Compton closed the Public Hearing.

Deputy Mayor Kenley sponsored Ordinance 13-16, An Ordinance Determining To Proceed With The Improvement Of Public Streets And Easements By Constructing And Installing Various Public Improvements On Certain Property Within The City, And All Necessary Appurtenances for Cornerstone Phase III, and moved for its approval. Mr. Engert seconded the motion. It passed unanimously, 7-0.

CITIZENS' COMMENTS

Mr. Dave Douglas had come forward to speak about the concert series and living in the Centerville Washington Township area during the Public Hearing for Ordinance No. 13-16. At that time, Mayor Compton asked Mr. Douglas to wait until after the vote.

Dave Douglas, 1161 Red Ash, Dayton, a resident of Washington Township, voiced his surprise and concern regarding dispatching for the Washington Township Fire Department being moved to the Regional Dispatch Center. He addressed Council about recent Washington Township meetings and said he found no related agenda items or legal notices. He voiced concern about how the Trustees were conducting business and stated the need for transparency.

Mayor Compton responded to Mr. Douglas by stating that the City of Centerville City Council was not advised of an agenda item related to the issue.

There being neither further citizen comments nor New Business, Mayor Compton adjourned the meeting at 11:08 P.M. The next regular meeting of the Centerville City Council was scheduled for August 15, 2016 at 7:30 p.m. in the Council Chambers.

Approved: _____

Mayor

ATTEST: _____

Clerk of Council