

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, August 15, 2016, at 7:30 P.M. in the Council Chambers of the Centerville Municipal Building. An invocation was given by Pastor Mark Simpson of Morningstar Baptist Church, followed by the Pledge of Allegiance to the Flag, with Mayor Compton presiding. Councilmembers and City 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	Jonathan Hudson
City Planner	Andrew Rodney
Economic Development Administrator	Nathan Cahall
Public Work Director	Doug Spittler
Human Resources Manager	Jennifer Wilder
Municipal Attorney	Scott Liberman

Mr. Palcher moved to excuse Mrs. Rau from the meeting, and Mr. Engert seconded the motion. Mrs. Rau was excused with a 6-0 vote.

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

Council Meeting	July 18, 2016.
Work Session Meetings	July 18, 2016.
	August 1, 2016.
	August 8, 2016.

Mrs. Kenley noted her name was omitted from attendance at the meeting on August 8, 2016. Mr. Serr made a motion for approval of the minutes, as amended. Mr. Palcher seconded the motion, and it was passed with six ayes. Mrs. Kenley abstained from the vote on the minutes of the Work Session Meeting held on August 1, 2016.

In Communications, Mrs. Andrews shared receipt of a notification that Mr. Allen Nelson was returning to the City Beautiful Commission following a leave of absence.

Mayor Compton made an announcement concerning the agenda. He stated that under Old Business 18. A., the Ordinance concerning the infrastructure for The Grove at Yankee Trace that had been tabled for several meetings, would be withdrawn and removed from upcoming agendas until the appropriate time. The Clerk's Office will give notice of the new date for the public hearing.

Mayor Compton recognized Morning Star Church Pastor Mark Simpson and Outreach Director Gail Wise for the day of service their congregation provided to the City of Centerville in

June. Volunteers painted an elderly resident's home, weeded the entrance to the Police Department, scraped and painted bridges at Stubbs Park, and cleaned at Benham's Grove. Gail Wise thanked Mayor Compton for participating with their group in the day of service. Deputy Mayor Belinda Kenley read the Certificate of Recognition.

Chief Bruce Robertson introduced the following three new staff members at the Centerville Police Department:

Amanda Reyes – Police Officer
 Benjamin Minch – Police Officer,
 Patricia Fabrick – Records/Communications Specialist

Lt. Brown and Lt. LaVigne joined Chief Robertson at the podium to announce the Centerville Police Department had received its ninth accreditation award from CALEA on June 28, 2016. The department met 100% of the required standards. Noting he was interviewed as part of the accreditation process, Mayor Compton stated the evaluators stressed the professionalism of the entire Police Department and the excellent working relationship that exists between the department, the administrative staff, and Council. The mayor thanked Chief Robertson and the department for their extraordinary efforts. Mr. Horn echoed the comments of Mayor Compton.

Mayor Compton invited Susan Jessee to the podium and administered the Oath of Office for the City Beautiful Commission.

Mr. Doug Spitler, Public Works Director, announced the August Summer Landscape Award Winners on behalf of the City Beautiful Commission. The Business Pride Community Award winner was Veterinary Alternatives at 21 East Ridgeway Road. Dr. Julie Servaites accepted the award. Mr. Spitler listed the August Residential Landscape Award winners as follows:

AUGUST

Cliff and Diana Thorstenson
 6523 Atterbury Court

Ken and Coleen Nartker
 214 Tuxworth Road

Carol and Clark Roberts
 140 South Village Drive

Susan & Terry Duffy
 327 Silvertree Lane

Sue Spiegel and Lisa Hanauer
 2267 Jaime Rose Way

Sue Ann Haberstro
 278 Joy Elizabeth

Dallas and Janice Mathile
 1263 Courtyard Place

In the Mayor's Report, Mayor Compton commented on several events. The Police Department Open House was held on Saturday, July 30 with over 800 in attendance. Food Truck Friday was Friday, August 12, in the Centerville Architectural Preservation District. St. Leonard's sponsored the Baby Boomer festival on Saturday, August 6, with food, music, games, and live entertainment. The final Food Truck Friday for this season will be September 9, 2016.

When Mayor Compton asked Mr. Palcher for an update on The Summer Concert Series, Mr. Palcher extended a special thank you to Ginny Strausburg of the Arts Commission for her efforts putting together a great schedule of events as confirmed by the consistent attendance.

Mayor Compton detailed Council's decision to place an income tax increase on the ballot on November 8, 2016. He outlined efforts made by the City to address the financial deficit and cut over \$1 million in annual expenses. He also stressed the importance of maintaining the 9-1-1 services at the Centerville Police Department. More information about the ballot issue is available from the city website and the Town Crier. Mayor Compton urged voters with questions about the tax increase to contact a Councilmember.

Mayor Compton pointed out the opening of the Creative World Montessori School on Wilmington Pike and the expansion of Functional Formularies at 806 E. Franklin Street. Construction continues at Cornerstone of Centerville.

Mr. Rodney gave a report on a recent grant from the Montgomery County Land Bank to conduct a study for the revitalization of the Centerville Place Shopping Center. Staff, several consultants, Mrs. Rau, Mr. Engert and a steering committee worked to create a viable plan for creative reuse of the property around the old Kroger building. Details of the plan will be presented at a fall Council meeting.

Mayor Compton reminded residents they could receive updates on City activities by signing up on the website for Centerville Connection emails.

In Councilmember reports, Mr. Beals shared news of Centerville-Washington History, the Miami Valley Regional Planning Commission, and the Sister City Committee.

Mayor Compton announced Council would be holding a special meeting on August 22, 2016 to consider a resolution related to medicinal marijuana. Mr. Horn reported several neighboring communities were considering moratoriums on issuing permits for growing, processing or dispensing medical marijuana to allow time to consider the potential impact of Ohio's recent legislation.

In the City Manager report, Mr. Horn detailed the progress of the 2016 paving program and the grant from DP&L allowing for the removal and replacement of trees along E. Franklin Street, before mentioning the retirement of C.J. Thrower after 30 years of public service and the death of Boris, the police canine.

Mr. Cahall gave the property maintenance report and outlined the community calendar for the months of August and September.

PUBLIC HEARING: ORDINANCE 14-16: REZONING 3.22 ACRES AT 9240 YANKEE STREET FROM WT-A AND R-1C TO R-PD

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

Mr. Rodney gave the staff report, noting Greg Smith of GW Real Property, LLC, representing Oberer Land Developers, Ltd. requested the rezoning of 3.6 acres at 9240 Yankee Street from Washington Township Agriculture and Centerville R-1c with a Lifestyle Community Overlay to R-PD, Residential Planned Development. Included were two separate parcels of land, 2.57 acres to the north annexed to the City in 2011 with the zoning designation remaining the same, and 1.06 acres to the south annexed to the City in 1995 and zoned to match the adjacent Yankee Trace development. The southern 1 acre is subject to a development plan approved in the late 1990's for a 50 unit assisted living facility.

In staff analysis, Mr. Rodney noted no plans had been submitted for development of the site at this time. R-PD zoning would allow more density and permit additional uses, but would require public hearings with Planning Commission and Council prior to any development. He felt the small size of the area restricted its development potential and that the standards of approval could be met. On June 28, 2016, Planning Commission, by a 5-1 vote, recommended approval of the rezoning.

In Councilmember questions, Mr. Beals inquired about the density allowed with the assisted living center. Mr. Rodney responded the number of beds allowed in such a facility was not stated in the code; however, the requirements for setbacks, buffers, parking spaces, and stormwater management limited density. In response to another question from Mr. Beals about the easement at the clubhouse of Bethany Commons for access onto Yankee Street, Mr. Rodney said it was his understanding the easement will be eliminated, since the owner of the property approached the County Engineer requesting direct access to Yankee Street and the County Engineer responded it was likely that such access would be permitted upon submission of a final development plan stating a specific use.

Mayor Compton opened the Public Hearing.

Mr. Robert Curry, 530 Maysfield Road, the attorney representing GW Real Property, explained the history of the acquisition of the two parcels. He noted the access easement had been an ongoing concern of the residents. With the conditions of approval of the Graceworks Assisted Living plat on October 19, 2015, the City included a condition that the access easement through the clubhouse parking lot had to be extinguished if full direct access to Yankee Street was obtained. He said the developer was willing to commit to the release of the easement with the approval of the rezoning and re-platting of the two properties.

Mr. Hans Soltau, 6776 Loop Road, representing many of the Lakewood Commons condo owners, made the following points:

1. The developer previously abandoned the one-acre property. The original plan for an apartment complex failed. In 2003, the decision was made to sell the lots as a condominium association of which there are currently 98 units. Nothing in the 2003 documents stated anything about an assisted living facility.
2. The current easement is not appropriate as the main access to an assisted care facility.
3. The density shown as the number of beds permitted was unknown.
4. The developer requested special "spot zoning" for this parcel.

5. Most of the 98 families who purchased condos were unaware an assisted living facility was possible on this site.

Mr. Pete Sams, 1426 Holes Creek Trace, accused the developer of deceit. The people who bought property at Bethany Commons did not know they would be looking at an assisted care facility. He said stakes had been placed on the property to show the access if the rezoning was not passed.

Marilyn Yochem, 1404 Little Yankee Run, voiced concern about traffic and the emergency runs by ambulances to an assisted living facility. She stated that the developer should release the access to the homeowners association.

John O'Neill, 1295 Little Yankee Run, who was fairly new to the area, said he would never have bought his property if he had known an assisted living center was proposed to be built behind his house. He was concerned about the value of his property. He said a roadway at the clubhouse would be dangerous.

Ron Tatman, 9225 Shadbush, agreed with Mr. O'Neill's comments that nothing was mentioned to them about the potential for construction of an assisted living facility when he purchased his home.

Natalie Steckel, 1455 Little Yankee Run, said her property would back up to the roadway that would lead to the assisted care living center. In contrast, she purchased the property because of the peacefulness and park-like atmosphere.

Carole Haubrock, 1444 Little Yankee Run, agreed with the concerns of the other neighbors. She inquired as to the allowable height of a building, since a three or four story building would affect the view. Mr. Rodney stated a building could be up to 45 feet high in an R-PD zoning district. Any approval would go through a series of four public hearings.

Joanne Duda, 1381 Little Yankee Run, spoke to the issue of non-disclosure by the developer. She said the one acre parcel had been maintained by the condominium association from the beginning. The homeowners believed it was common property and spent money to maintain it.

When Mayor Compton asked Mr. Curry to address some of the concerns of the residents, he stated that there were no immediate plans to develop the property. The primary objective of rezoning and combining the properties was to address the access issue and extinguish the access easement through the common area at the community center. He said the proposed zoning offered the maximum control for the city, in terms of the multi-step process for approval. Mr. Curry disagreed with the statements about non-disclosure, saying the developer always had envisioned the potential for future development.

Mrs. Kenley asked Mr. Curry if the developer was giving up the easement. Mr. Curry answered in the affirmative.

Mr. Beals stated he did not recollect the initial drawings for the development or the mention of the assisted care facility. Mr. Curry answered the condominium disclosure statement mentioned the access road across the common property. He believed that the residents had made assumptions.

When Mr. Engert asked how long the homeowners association had been maintaining the one acre of property, Mr. Curry clarified it was the master association that had been taking care of it for 16 years. Mr. Engert inquired why the developer never mentioned to the homeowners (buyers) that development could be coming to that property. Mr. Curry replied, with no imminent plans for development, the property was in the same state now as it had been.

Discussion of the common area followed. Mayor Compton asked if the pond with the fountain would be maintained by the homeowners. Mr. Curry confirmed the fountain area was part of the common area. He added stakes had been set to show placement of an irrigation system, not to threaten the condo owners. Mr. Rodney displayed an aerial view of the development to show the easement. When Mayor Compton asked whether, once the access easement was eliminated, that easement could come back, Mr. Rodney confirmed reinstating the easement would require the agreement of all parties. He concurred the pond area currently belonged to the master association.

Mayor Compton asked Mr. Rodney to point out 1455 Little Yankee Run on the aerial map; he requested an explanation of the buffers required if an assisted living facility were to be approved. Mr. Rodney explained buffers would be a minimum of 5 feet in width, with a mound averaging 3 feet high and considerable landscaping including evergreens and deciduous trees, shrubs and conifers.

Mr. Soltau cautioned he believed the developer wanted to consolidate and rezone the property in order to sell it instead of building an assisted living facility. The ultimate use was unknown.

Louie Duchesneau, 921 E. Kenna Court, Washington Township, stated that rooms in a nursing home without kitchens do not get counted as density. He stated that citizens have more control over what goes on a property before a rezoning takes place than after, as had been the case for the property at Paragon and Social Row Road.

Donna Cox, 1445 Little Yankee Run, hoped Council would consider the 98 homes in Bethany Commons and how the construction of an assisted living facility would affect the value of those homes and the quality of life for the residents.

Jeanne Fehskens, 1377 Holes Creek Drive, stated that development of the lots would destroy the serene environment of the Bethany Commons homes. She appreciated the developer saying that he would eliminate the easement, but pointed out the developer had maintained his presence in the master association so that he could control it. She felt the one acre parcel was owned by the homeowners association.

Sherry Hodges, 1451 Little Yankee Run, stated her property bordered the proposed assisted living site. Mrs. Hodges voiced that a four-story building was inappropriate in the residential neighborhood of Yankee Trace.

Mayor Compton closed the Public Hearing.

Discussion of the zoning followed and included questions on how the density of nursing homes was calculated, on the permitted building height in R-1c and R-PD zoning classifications and on the approval process for development plans. Mayor Compton felt the residents could rest assured they would be better served with an RPD zoning and Council protecting their interests.

Mr. Liberman pointed out the one-acre parcel currently had a Lifestyle Community Overlay that would be removed if the rezoning passed.

Mrs. Kenley verified, if the parcel was rezoned, there would be four levels of approval for any new development, and the public would have an opportunity for input at each stage.

Deputy Mayor Kenley sponsored Ordinance No. 14-16, An Ordinance Amending Ordinance Number 14-08, Chapter 1216, The Unified Development Ordinance, As Amended, To Rezone 3.22 Acres Of Land, More Or Less, Located At 9240 Yankee Street, From WT-A, Washington Township Agriculture, And R-1C, Single-Family Residential With A Lifestyle Community Overlay Zone Classification To R-PD, Residential Planned Development Zone Classification, and moved for its approval. Mr. Palcher seconded the motion. A roll call vote showed the motion passed 5 - 0.

PUBLIC HEARING FOR APPLICATION P-2016-0016: GW REAL PROPERTY,LLC
RECORD PLAN FOR 9240 YANKEE STREET

Mr. Rodney presented the staff report for the record plan for the consolidation of two lots owned by the applicant, GW Real Property LLC. He noted about 1/3 of an acre would be dedicated as right of way along Yankee Street and stated combining the two lots would facilitate future development. Three of the Standards of Approval were not applicable to this plat. On June 28, 2016, Planning Commission recommended approval of this application with a 5-1 vote, subject to the following three conditions:

1. Easements shall be provided for any private infrastructure.
2. Easements shall be provided for any public infrastructure.
3. Cross-access easement through clubhouse parking lot to be extinguished in the event direct vehicular access is granted to Yankee Street.

Mr. Rodney noted that the first two conditions had been met in the interim.

After Councilmember Beals questioned stormwater and utility easements, Mayor Compton addressed Item #3 concerning the elimination of the access easement through the clubhouse parking lot. Mr. Curry, speaking for the applicant, reconfirmed that once the zoning and re-plat became final the developer would voluntarily relinquish the access easement by deed action. Mr. Soltau confirmed the timeline for the release and asked about the completion of the

conditions of the general Graceworks Assisted Living Site record plan passed October 19, 2015. Mr. Rodney responded that the only remaining condition of that approval was the rehabilitation of the construction entrance across from Silverlake Drive. The City expected that work to be completed by the end of the week. Mayor Compton stated he had a letter on file from Mr. Curry stating the easement would be released when the rezoning and record plan become final, after the expiration of the appeal period.

Mr. Beals moved for approval of Application P-2016-0016, the GW Real Property, LLC record plan consolidating the two parcels. Mrs. Kenley seconded the motion. Roll call showed the motion passing 5-0.

Mr. Serr re-entered the meeting at this time. (10:05)

When no Standing Committee Reports were given, Mayor Compton explained that the Consent Agenda contained routine procedural and administrative matters the Council had discussed in Work Session. Councilmembers read the following Consent Agenda items into the record.

- A. Ordinance Number 15-16, 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, be set for Public Hearing on October 17, 2016.
- B. Ordinance Number 16-16, 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, be set for Public Hearing on October 17, 2016.
- C. Ordinance Number 17-16, 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, be set for Public Hearing on October 17, 2016.
- D. Ordinance Number 18-16, 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, be set for Public Hearing on October 17, 2016.
- E. Resolution 55-16, A Resolution Granting A Pipeline Right of Way Easement To Vectren Energy Delivery Of Ohio, Inc, For The Ingress And Egress Over The City Of Centerville Right Of Way Across The Corridor Known As The Iron Horse Trail.
- F. Resolution 56-16, A Resolution Endorsing An Application To The Ohio Public Works Commission's (OPWC) State Capital Improvement Program For A Grant Funds For The Resurfacing Of Clyo Road From Alex-Bell Road To Bigger Road.

- G. Resolution 57-16, A Service Resolution In Support Of The Proposed Annexation Of Property Containing 0.937 Acres Of Land More Or Less From Sugarcreek Township, Greene County, Ohio To The City Of Centerville, Greene County, Ohio Pursuant To The Requirement Of Section 709.023 Ohio Revised Code.
- H. Resolution 58-16, A Resolution Regarding Zoning Buffers In A Proposed Annexation Of Property Containing 0.937 Acres More Or Less From Sugarcreek Township, Greene County, Ohio To The City Of Centerville, Greene County, Ohio Pursuant To The Requirement Of Section 709.023(c) Ohio Revised Code.
- I. Reappointments shall be made as follows:
Paul Clark – Planning Commission Chair – 1 year term.
Sherry Leighty – City Beautiful Commission – 3 year term.
Tom Wheeler – City Beautiful Commission – 3 year term.

Council requested explanations of the Consent Agenda. Mr. Rodney stated the four ordinances being set for public hearing reflected proposed annual updates to the Unified Development Ordinance as recommended by the Planning Commission. Mr. Cahall explained the zoning buffer resolution and the service resolution were related to recently annexed property taking the City boundary to the centerline of Brown Road in the area north of the Cornerstone development. The area of the annexation was less than one acre. Mr. Liberman added the Service Resolution, Item “G”, detailed what services would be provided to the annexed property and Item “H” dealt with the buffers. These resolutions were required with the annexation process. Mr. Spitler stated the application for a grant of \$170,000 from the Ohio Public Works Public Works would help with a \$680,000 project for sewer repair and the resurfacing of Clyo Road in 2017. Mr. Horn added roadway improvements were one of the major challenges for the City’s Capital Improvement Program. The resurfacing of Clyo Road between Alex-Bell Road and Bigger Road represented about three quarters of the total repaving dollars for the year. The segment of Clyo Road scheduled for paving in 2018 is longer and will cost even more. He emphasized the need for the income tax increase to supplement the roadway maintenance fund.

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

OLD BUSINESS

PUBLIC HEARING FOR ORDINANCE NUMBER 08-16: CONSTRUCTION AND INSTALLATION OF INFRASTRUCTURE FOR YANKEE TRACE WOODS

Since Council had tabled consideration of this ordinance on July 18, 2016, Mr. Palcher made a motion to remove from the table Ordinance 08-16, An Ordinance Determining To Proceed With The Construction And Installation Of Public Roadways, Sidewalks, Curbs And Sanitary Mains Along The Yankee Trace Woods, LLC Property, Together With All Necessary Appurtenances Thereto. Mrs. Kenley seconded the motion. The motion passed 6-0.

Mr. Serr made a motion to remove Ordinance 8-16 from the agenda. Mrs. Kenley seconded the motion. The motion passed, 6-0.

There being no further business, Mayor Compton adjourned the meeting at 10:20 P.M.

The next regular meeting of the Centerville City Council was scheduled for Monday, September 19, 2016.

Approved:



Mayor

ATTEST:



Clerk of Council

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, August 29, 2016, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation and the Pledge of Allegiance to the Flag of the United States of America, with Mayor Compton presiding. Councilmembers and City 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	Jonathan Hudson
City Planner	Andrew Rodney
Economic Development Administrator	Nathan Cahall
Public Works Director	Doug Spitler
City Engineer	Jim Brinegar
Human Resources Manager	Jennifer Wilder
Municipal Attorney	Scott Liberman

Mayor Compton thanked Council and Staff for being present for the Special Council meeting.

There were no previous minutes to approve.

There were no Mayor's Report, Councilmember Reports, City Manager's Report, or Planning Commission Report. Under Standing Committee Reports, Mr. Beals mentioned Freddy's Frozen Custard on Wilmington Pike will host a ribbon cutting on Tuesday, August 30, 2016 at 10:00 A.M.

Mayor Compton explained that the Consent Agenda contained routine procedural and administrative matters the Council had discussed in Work Sessions, before he read the single item on the Consent Agenda into the record.

- A. Resolution 59-16, A Resolution Imposing A Moratorium For A Period Of Nine Months (270 days) On The Granting Of Any Permit For Allowing Retail Dispensaries, Cultivators, Or Processors Of Medical Marijuana Within The City Of Centerville.

Mr. Horn explained several neighboring communities were considering adopting legislation for a moratorium on the issuance of permits related to the passage of House Bill 523 legalizing medical marijuana. Establishing a moratorium would allow the opportunity to see where the State legislature is headed with this program and give the City time to consider the need for code changes or special considerations.

Mr. Liberman gave further details on the law the Governor signed into effect. Specific provisions allow a local municipality to opt out of permitting dispensaries within its boundaries. The State legislature has one year to establish additional rules. The City will need to review its zoning codes in relation to this issue, and the moratorium will give the time needed for research.

Mr. Beals shared his concerns about new businesses coming into the City solely for the purpose of selling marijuana. In response to this concern Mr. Liberman added that a dispensary would be required to comply with the state law. With the moratorium, someone will not be able to come into the City and request a zoning or building permit for growing, processing or dispensing marijuana.

Deputy Mayor Kenley added that the Ohio Municipal League is studying this issue, and she will report back to Council on the Ohio Municipal League's dialogue.

Mr. Beals sponsored the above Consent Agenda and made a motion for the approval of Resolution 59-16. Mrs. Rau seconded the motion. The motion passed with 7 ayes.

There being no further business, Mayor Compton adjourned the special meeting at 8:11 P.M., with Council moving to the Law Library for a work session. The next regular meeting of the Centerville City Council was scheduled for September 19, 2016 at 7:30 p.m. in the Council Chambers.

Approved: *Brian A. Compton*
Mayor

ATTEST: *Carin R. Andrews*
Clerk of Council