

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, July 21, 2014, at 7:30 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Pastor Mark Simpson of MorningStar Baptist Church and the Pledge of Allegiance with Mayor C. Mark Kingseed presiding. Council Members and City Staff were present as follows:

Deputy Mayor Brooks Compton
Council Members John Beals
Paul Gresham
Belinda Kenley
John Palcher
JoAnne Rau

Clerk of Council Debra James
City Manager Gregory Horn
City Planner Andrew Rodney
Public Works Director Douglas Spittler
Assistant to the City Manager Jennifer Wilder
Economic Development Administrator Nathan Cahall
Community Resources Coordinator Maureen Russell Hodgson
Municipal Attorney Scott Liberman

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

Council Meetings - June 16, 2014.
July 7, 2014.
Work Session Meetings - June 16, 2014.
July 07, 2014.
July 14, 2014.

Mrs. Kenley requested a correction to the work session minutes of July 7 for the roll call to reflect that she was present, before Mr. Compton made a motion for approval of the minutes, as amended. Mr. Beals seconded the motion. The motion to approve the minutes passed with seven ayes. Dr. Gresham abstained from the vote on the minutes of July 7.

Mayor Kingseed welcomed Mr. Donald Stewart who was sworn in as a member of the Board of Tax Appeals and a member of the Community Reinvestment Area Housing Council, each for a term of three years.

Mayor Kingseed honored the members of MorningStar Baptist Church for the work done in Centerville for the "Day of Service" on June 14, 2014. Led by Pastor Mark Simpson and Ms. Gail Wise, members of the church performed a variety of service activities in the Centerville Community. Mayor Kingseed presented a certificate of recognition to Ms. Wise, Pastor Simpson, Megan Laughter and Jonathan Mashburn who were present representing the group.

Council commended Evan Sherbet on attaining the rank of Eagle Scout. Mayor Kingseed read a certificate of congratulations and recognized Evan's work at the Good Neighbor House in Dayton.

On behalf of the City Beautiful Commission, Mrs. Jan Prettyman announced that the Piper Landing Condominium Complex at 1605 Piper Lane had won the July Community Pride Award. She named the July Residential Landscape Award winners as follows:

Anna Banda
6833 Penridge

Pam Brumfield
498 Cedarleaf Drive

Kim Weimer
6005 Oak Hill Lane

Kim and Lou Heckman
9761 Rose Arbor Drive

Judy and Dennis Graf
1203 Deer Run Road

Leslie and Ronald Newcomb
1123 Waters Edge Drive

Pamela and Marshall Goodfellow
40 Peach Grove Avenue

In the Mayor's Report, Mayor Kingseed thanked everyone on the Americana Committee for organizing the community festival which has become a signature event for Centerville and Washington Township. He noted the large attendance, the presence of the Ohio Governor John Kasich, the positive exposure given to the community by Fox News, and the importance of the contributions of all the volunteers and staff members.

In the City Manager's Report, Mr. Horn shared the following:

- He thanked Mrs. Jan Prettyman for her efforts with the City Beautiful Commission in organizing the summer awards, helping at the art gallery and landscaping the entry of the Centerville Police Headquarters.
- He extended praise to the Americana Festival Committee and especially to Centerville staff—community resources, police, and public works personnel who put in long hours for planning, set-up, coordination of events and safety services.
- Costco signed paperwork closing its deal with Cornerstone Developers, so work is underway on the site for a November opening of a regional warehouse store. Costco is a welcome addition to the community and should be a catalyst for further development.
- Feedwire Road Improvements are underway, and the bid for onsite improvements will be awarded this week.
- Employed with Centerville since 2005, City Engineer Doug Spitler has been named Public Works Director to fill the vacancy left by the departure of Mr. Rob James.

Mr. Cahall gave the statistics on Code violations and corrections for June, before presenting the community calendar for the remainder of July and for August.

RECORD PLAT: THE GROVE AT YANKEE TRACE

Mr. Rodney presented the staff report for Application P-2014-0016, the record plan for 13.8 acres situated between Paragon Road and Yankee Trace Drive with 27 buildable lots amid a total of 33 lots. The City annexed the area last year and Planning Commission approved a Residential Cluster Development Plan and a rezoning on September 10, 2013. Wetlands considerations delayed the plans for the project until now. Since the approval by the Planning Commission, two slight modifications to the cluster development plan became necessary. The

entry along Paragon Road was shifted south slightly and lots 28 through 33 were designated as conservation lots due to wetlands issues. The overlay allowed for reduced setbacks and for clustering of the homes in the plan. Mr. Rodney pointed out the easements being used for the connection of the new roadway to Yankee Trace Drive. A similar easement on the plan on the north side of the new road near the entry at Paragon Road could be used at some future date for a street going north. He noted five conservation areas for green space or engineered wetlands, the wide gas easement that bisected the property and the drainage easement on the south edge of the parcel.

On June 24, 2014, Planning Commission unanimously recommended approval of Application Number P-2014-0016, the record plat detailing the residential cluster development plan. Planning Commission attached the following four conditions to the recommendation and staff recently requested a fifth condition. Therefore the recommended conditions read as follows:

1. Prior to recording of the plat, the following shall be required:
 - a. Roadway and public improvement plans shall be approved by the City Engineer.
 - b. Guarantees for construction and installation of improvements shall be executed in accordance with Article 9.17 of the Unified Development Ordinance.
2. Detailed plan review comments from the Montgomery County Department of Water Services shall be incorporated into the record plan document prior to approval by the City Council.
3. Detailed plan review comments from the City Engineer shall be incorporated into the record plan document prior to approval by the City Council.
4. Per the requirements of Vectren, all utility crossings shall have a minimum of 24" of clearance from any pipelines.
5. *The homeowner's association documents shall incorporate the exterior design criteria and materials, landscaping and general community standards from The Golf Club at Yankee Trace Design Review Guidelines dated October 1994 to the satisfaction of the City Planner.*

Although the guidelines for the approval of a record plan did not require a public hearing, Mayor Kingseed opened the floor for public comment.

Bonnie Sekely, 565 Yankee Trace Drive, asked about the builder and why the new development identified with the Yankee Trace Community when the Yankee Trace Homeowners had no input on the matter. She felt the development would create traffic. She wanted to know the quality of the homes and the restrictions on construction access from Yankee Trace Drive. Mr. Rodney responded that construction access must be from Paragon Road.

Mr. Horn gave a brief overview of the history of the Yankee Trace community, noting how it evolved from 415 acres in 1992 to over 700 acres today. He stated the City had 20 years

invested in the area and will be very vigilant in maintaining the quality look and feel of Yankee Trace.

When Jack Wysong, 664 Legendary Way, asked why a public hearing was not required, Mr. Liberman stated that record plats are usually administrative matters. Planning Commission makes a recommendation to City Council based on the approved site plan. He further explained that, after the property was annexed last fall, the applicant initiated a rezoning which required sending a notice to property owners within 500 feet for both the Planning Commission and City Council meetings. Both the rezoning and Cluster Development plan were considered at the meeting on September 10, 2013 by the Planning Commission.

Lynton Dudley, 1015 Bentgrass Lane, stated that, when he had purchased his home in late 1999, he was told that a street would never go through that property. He strongly supported the recommendation to add condition #5. He also asked that construction traffic be prohibited from using Yankee Trace Drive and that the speed limit on Yankee Trace Drive be enforced strictly in the area of the curve and curb cut for the new street.

Mark Edgington, 1038 Bentgrass Lane, stated agreement with Mr. Dudley's comments. He reiterated the speed of traffic and the danger at the intersections of the new street with Yankee Trace Drive and with Paragon Road. When Mr. Edgington asked if the Homeowners Association at Yankee Trace would be compensated for this land, Mr. Horn said that the City always had planned for the potential connection to a new street by way of this very small recorded easement. The City was not expecting to pay for the land.

Sandy Edgington, 1038 Bentgrass Lane, agreed that the egress onto Paragon Road would be very dangerous considering the amount of traffic already present on that roadway. She stated that price was not a determinant of the quality of a home and that initial appearance could be deceiving. She recommended a cul-de-sac rather than a cut-through street to Yankee Trace. She stated that greed was involved—greed for a profit by the developer and for tax dollars by the City. She complained that the public had not been well informed during the process. She said the developer should be required to maintain the high standards of the Yankee Trace Community.

Jack Kindler of 9719 Greenside Court and President of the Yankee Trace Homeowners' Association stated concern about the connection of the new street to Yankee Trace Drive. He suggested putting in something other than a paved roadway at the access point at Yankee Trace Drive. By using an alternate road material, such as permeable concrete pavers that allow grass to grow through them, the City would have police, EMS and fire access without opening the road to the public as a cut-through.

Jack Wysong, 664 Legendary Way, asked what recourse the neighbors and the City had if construction traffic used Yankee Trace residential streets rather than the construction road or a street in the new development. Mr. Horn answered that the City can issue a traffic order which requires the signature of the City Manager or the Police Chief. Failure to obey the traffic order results in citation.

David Layman, counselor for the developer, stated that expectations for the quality and the construction traffic had been made very clear to his client, and his client was in agreement with the type of home to be built and the roads to be use..

Applicant Brian Barnard, 7765 Dunnegan Close, Atlanta, Georgia, stated that Ryan Homes would be the builder and that Ryan Homes had prior experience building in Yankee Trace. He said the quality and price of the homes would be comparable to or higher than those in the existing Yankee Trace community. He said he was working diligently to be comparable to Yankee Trace. As an example, he said that assessments combined with HOA fees were equivalent. His goal was for this new section of Yankee Trace to be as beautiful as the other neighborhoods.

Discussion followed regarding the need for four-sided architecture especially on the rear elevations of several properties to the north and south along Paragon Road. Variety, character, design quality and adequate landscaping were stressed.

Mr. Beals asked questions regarding the 50' rights of way and inquired whether the cul-de-sac met the Washington Township Fire Department's regulations for turning radii. Mr. Rodney answered that the right-of-way is 50 feet, and the cul-de-sac does meet the specs. Mr. Beals noted that there would be more traffic on this street than traditionally would be on a street accessing 27 lots and voiced a concern that the street should be the standard 29' wide rather than 24' wide.

Mr. Beals made a motion to accept the Record Plat for The Grove at Yankee Trace, Application P-2014-0016. Clarifying the motion, Mr. Compton noted Council's intent to condition the approval on the four conditions recommended by the Planning Commission and the fifth condition recommended by staff so that the Yankee Trace Design Review Guidelines will be incorporated into the homeowners' association documents. He then seconded the motion. The roll call vote was unanimous for passage of the motion. The Record Plat was approved, subject to five conditions shown above.

Mayor Kingseed explained that the Consent Agenda contains routine procedural and administrative matters which the Council had discussed in Work Sessions. He announced that Items F and G had been removed from the Consent Agenda at this time. Council Members read the Consent Agenda items into the record, before Dr. Gresham sponsored the following items, minus Items F and G, and moved for their approval:

- A. Ordinance Number 12-14, An Ordinance To Amend Ordinance Number 21-13 To Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ended December 31, 2014, be set for Public Hearing August 18, 2014.
- B. Ordinance Number 13-14, An Ordinance To Amend Subsection B And Subsection C To Attachment A Of Ordinance Number 24-13, Establishing Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, be set for Public Hearing August 18, 2014.
- C. Ordinance Number 14-14, An Ordinance To Amend Chapter 618, Animals, Of The Centerville Municipal Code To Prohibit Outdoor Feeding of Animals, be set for Public Hearing August 18, 2014.

- D. Ordinance Number 15-14, An Ordinance Amending Section 1060.05 Of The Municipal Code Of The City Of Centerville, Ohio To Set Fees For Municipal Waste Collection Services, be set for Public Hearing August 18, 2014.
- E. Ordinance Number 16-14, An Ordinance To Amend Chapter 844, Mobile Food Vehicle Vendors, Of The Centerville Municipal Code To Remove Background Checks And To Provide For An Exemption From The Licensure Requirements Of The Mobile Food Vehicle Regulations, be set for Public Hearing August 18, 2014.
- F. An Ordinance To Amend Chapter 844, Mobile Food Vehicle Vendors, Of The Centerville Municipal Code To Provide For An Exemption From The Licensure Requirements Of The Mobile Food Vehicle Regulations, be set for Public Hearing August 18, 2014.
- G. 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 Numerous Sections By Adding And Deleting Text To Clarify Various Sections Of The Unified Development Ordinance, be set for Public Hearing September 15, 2014.
- H. Resolution Number 26-14, A Resolution Accepting The Bid Submitted By Booher Blacktop of New Carlisle, Ohio, For The Yankee Trace Cart Path Resurfacing Project In The City Of Centerville And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- I. Resolution Number 27-14 , A Resolution Authorizing The City Manager, On Behalf Of The City Of Centerville, To Enter Into A School Resource Officer Agreement With The Centerville City School District.
- J. Reappointments as Follows:
Cindy Monter Clay to the Sister City Committee for a three year term.
Marilou Enslein to the City Beautiful Commission for a three year term.

Mr. Compton seconded the motion. The motion passed unanimously with seven ayes.

In Citizens Concerns and Comments, Bob Rose of 409 Shawnee Trail stated he lived adjacent to land annexed by the City of Centerville to build the golf course. He complained that in twenty years the land near him has not been finished and homes built. He pointed out longstanding issues with weeds, construction trash, dumping, the City's zoning inspector and construction traffic. He discussed letters that had been sent to Yankee Trace and Rose Estates residents at the time of the request for rezoning the property at Sheehan Road, Social Row Road and Paragon Road. He asked Council to put his backyard in the shape it was when construction of the golf course began and to provide the mounding and screening that had never been done.

Mr. Horn responded to the issues from the City's perspective, before Mr. Rose asked for a commitment of the timeline for completion of grading, sidewalks and construction in the area behind his home. He asked for someone to address the issues and confirm a plan for their

resolution. Mayor Kingseed encouraged Mr. Rose to call the City with complaints about specific construction traffic. He pointed out that the issues should be improved within six months as the final phase of the original development proceeded. It was expected by spring 2015 the plat would be graded with mounding and grass in the section behind Mr. Rose's home. Mr. Rose voiced concern that the City of Centerville sent him a letter from the zoning department stating that his property was constantly in a state of disrepair. He asked the City to address what was going on around his property.

Jack Garner, 85 Zengel Drive, discussed speeding on Zengel Drive, snow removal from sidewalks by the City, the barber pole in the historic district, removal of trees on the Dille property, and the need to fence retention ponds.

Jack Wysong, 664 Legendary Way, asked questions about ordinances on the consent agenda and public hearing requirements. Mr. Liberman and Mayor Kingseed answered his questions.

PUBLIC HEARING FOR ORDINANCE NUMBER 10-14: APPROPRIATION OF LAND FOR RIGHT-OF-WAY AND ACCESS EASEMENTS, 5770 WILMINGTON PIKE

Mr. Cahall gave the staff report for the ordinance allowing for the appropriation of a small sliver of property at the Cracker Barrel Restaurant at 5770 Feedwire Road for right-of-way and a construction easement needed for the roadway improvement project on Feedwire Road. Earlier an emergency ordinance was passed, but the duration of the emergency ordinance is expiring. Passing this permanent ordinance will ensure that the property is available in a timely manner for the construction project, in spite of the fact that there are title difficulties that have delayed the sale of the property and the granting of the access easement to the City of Centerville.

Mayor Kingseed opened the public hearing. Seeing no speakers, he closed the public hearing.

Mr. Compton moved for approval of Ordinance Number 10-14, An 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 5770 Wilmington Pike, Centerville, Ohio For The Purpose Of Public Right-Of-Way And Temporary Construction Easement Purposes, and moved for its approval. Mr. Beals seconded the motion. The motion passed unanimously, 7-0.

PUBLIC HEARING FOR ORDINANCE NUMBER 11-14: AMENDMENT OF SECTION 1020.01, CONSTRUCTION REQUIREMENTS, CENTERVILLE MUNICIPAL CODE

Mr. Liberman explained that this ordinance was strictly a cleanup item. It was discovered that there was an outdated reference to requirements for construction of streets in the Municipal Code. The regulations are now found in the Unified Development Ordinance. This revision will correct the reference.

Mayor Kingseed opened the public hearing. Seeing no speakers, he closed the public hearing.

Dr. Gresham made a motion for approval of Ordinance Number 11-14, An Ordinance Amending Section 1020.01, Construction Requirements, Of The Centerville Municipal Code, and moved for its approval. Mr. Beals seconded the motion. The motion passed unanimously, 7-0.

The next meeting is scheduled for August 18, 2014. There being no further business, the meeting was adjourned.

Approved: *C. Mark Keigood*
Mayor

ATTEST: *Debra A. James*
Clerk of Council