

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, October 20, 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 Kirk Lithander of Fairhaven Church with Mayor C. Mark Kingseed presiding. The Pledge of Allegiance was led by Cub Scout Pack 116, Den 2. Council Members and City Staff present were as follows:

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

Clerk of Council Debra James
City Manager Gregory Horn
Finance Director Steven Hinshaw
City Planner Andrew Rodney
GIS Analyst/Planner Mark Yandrick
Public Works Director Douglas Spittler
Assistant City Engineer John Sliemers
Assistant to the City Manager Jennifer Wilder
Assistant to the City Manager Kristen Gopman
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 Meeting - September 15, 2014.
Work Session Meetings - September 15, 2014.
 October 6, 2014.
 October 13, 2014.

Mr. Compton made a motion for approval of the minutes, as distributed. Mr. Beals seconded the motion. The motion to approve the minutes passed with seven ayes. Because he was absent from the meeting, Dr. Gresham abstained from the vote on the minutes of October 6, 2014.

Mrs. James announced Dr. Gresham was resigning from Council effective October 31, 2014. Mayor Kingseed explained that a break in service was necessary for Dr. Gresham due to recent changes from the Public Employees Retirement System that impact health insurance. Dr. Gresham was to be reappointed by Council later in the meeting, with the reappointment effective November 3, 2014.

Mayor Kingseed congratulated Mr. Mark Yandrick and presented to him the "Best Practices Award" given by the Ohio Geographically Referenced Information Program (OGRIP) at a recent statewide GIS conference in Columbus. Mr. Horn noted that Mr. Yandrick was the first GIS Analyst hired by the City and that he had initiated Geographic Information Systems work, creating helpful maps and applications for use by the other employees and the public.

Jan Prettyman, Chair of the Centerville City Beautiful Commission extended sympathy to Mrs. Marilou Enslein, a City Beautiful Commission member, whose husband passed away recently.

Mrs. Prettyman presented the 2014 Mayor's Award, an engraved decorative rock, to Bob and Jan Pangburn of 1325 Brainard Woods Drive, for excellence in landscaping and beautifying their property. Mrs. Prettyman explained that the Mayor's Award is not given every year. To qualify for consideration, residents, businesses or complexes must have won a Summer Landscape Award at least three times over several years. Mr. and Mrs. Pangburn have won Summer Landscape Awards six times.

In the Mayor's Report, Mark Kingseed noted the following items:

- He invited the community to the Veterans Day Ceremony on Tuesday, November 11, 2014 at 11:00 a.m. at the Leonard E. Stubbs Memorial Park in honor of those who have served in the Armed Forces.
- He encouraged everyone to vote absentee or to cast a ballot on Election Day, November 4, because voting is key to building democracy. Many important local issues are on the ballot.

In the City Manager's Report, Mr. Horn shared that the last few years have been challenging economic times for municipalities. Besides cuts in Local Government Funding from the state, the city's major source of revenue, the earnings tax, has been down nearly two percent through the first three quarters of the year. Mr. Horn noted the following areas where staff members have been particularly successful in helping the City to live within its means:

- Kristen Gopman, Randy Bishop and their staff are operating Benham's Grove without a subsidy from taxpayer funds; it has become a self-sustaining venue. He noted that the Friends of Benham's Grove provided assistance for the year-round tent which has been a way to produce some additional revenue and has been a savings to individuals renting Benham's Grove.
- Nathan Cahall, Dan Sammon, Margot Pocisk and others who work in the Building Inspection Department have worked hard to make it self-sustaining for the past two years.
- Led by Doug Spitler and Werner Boehm, the Waste Collection operation is operating in the black.

Mr. Horn stated that Household Hazardous Waste Day was held on Saturday, October 11, in cooperation with the Montgomery County Solid Waste District. Over 700 vehicles dropped off hazardous products. Mr. Horn thanked Doug Spitler, Marty Tackett and Werner Boehm and their staff.

Beggar's Night will be held in Centerville on Friday, October 31, 2014. The Mayors and Managers Association recently decided Beggar's Night consistently will be held on October 31 for the next five years.

Mr. Cahall reported on code violations and corrections for the month of September and went over the Community Calendar for the remainder of October and for November.

In Council Reports, Mr. John Beals announced that the Miami Valley Regional Planning Commission has completed its move to Courthouse Square downtown at 10 North Ludlow Street, Suite 700. He also stated that the Centerville Rotary Club is sponsoring its annual fundraiser, the Pancake Breakfast, at the Centerville High School from 7:00 a.m. to noon on October 25, 2014.

Mayor Kingseed explained that the Consent Agenda contains routine procedural and administrative matters which the Council had discussed in Work Sessions. Council Members read the following Consent Agenda items into the record and Mr. Compton noted that an appointment of Kathleen Jablinski is being added as a member to the Arts Commission as *Item "K"*.

- A. Ordinance Number 19-14, An Ordinance Authorizing And Directing The City Manager To Enter Into An Amendment To The Construction Manager At Risk Agreement With Oberer Construction Managers, Ltd., And Cornerstone Developers, Ltd. For Construction Management Services, be set for Public Hearing on November 17, 2014.
- B. A Motion for Adoption of Revised Council Rules and Procedures.
- C. Resolution Number 37-14, A Resolution Regarding Zoning Buffers In A Proposed Annexation Of Property Containing 2.0299 Acres More Or Less From Washington Township, Montgomery County, Ohio To The City Of Centerville, Montgomery County, Ohio Pursuant To The Requirement Of Section 709.023(C) Ohio Revised Code.
- D. Resolution Number 38-14, A Service Resolution In Support Of The Proposed Annexation Of Property Containing 2.0299 Acres More Or Less From Washington Township, Montgomery County, Ohio To The City Of Centerville, Montgomery County, Ohio Pursuant To The Requirement Of Section 709.023 Ohio Revised Code.
- E. Resolution Number 39-14, A Resolution Enacted By The City Of Centerville, Montgomery County, Ohio, Hereinafter Referred To As The City, In The Matter Of The Stated Described Project, MOT SR 725 20.24, PID No. 97667, For The ODOT Urban Paving Program on S.R. 725 (Alex-Bell Road) From Loop Road To The Greene County Line.
- F. Resolution Number 40-14, A Resolution Enacted By The City Of Centerville, Montgomery County, Ohio, Hereinafter Referred To As The City, In The Matter Of The Stated Described Project (PID No. 98823) - *Bigger Road Bridge Repair*.

- G. Resolution Number 41-14, A Resolution By The Centerville City Council, Montgomery County, State Of Ohio, Declaring The Intent Of The City Of Centerville To Appropriate Real Property Located at 5770 Wilmington Pike For The Widening Of Wilmington Pike From Existing Wilmington Pike and Feedwire Road Intersection to South.
- H. Resolution Number 42-14, A Resolution Accepting The Bid Submitted By Belgray, Inc. Of Dayton, Ohio For Wilmington Pike Roadway Improvements Phase One (Cornerstone), In The City Of Centerville And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- I. Resolution Number 43-14, A Resolution Ratifying The Action Taken By The City Manager To Enter Into An Agreement With The Ohio Department Of Public Safety, Ohio Emergency Management Agency, To Accept A Grant For Electric Storm Shutters For Four Windows In The Emergency Operations Center At Centerville Police Headquarters.
- J. Reappointment of Brad Thorp to the Board of Architectural Review for a term of three years.
- K. *Appointment of Kathleen Jablinski to the Arts Commission for a term of three years.*

Mr. Palcher sponsored the Consent Agenda items and moved for their approval. Mrs. Kenley seconded the motion. The motion passed unanimously with seven ayes.

PUBLIC HEARING: ORDINANCE NO. 17-14
UDO TEXT AMENDMENTS – OMNIBUS CHANGES

Mr. Rodney gave the staff report on updates to the Unified Development Ordinance which simply and clarify various sections. Highlights of the changes suggested by staff in this clean-up ordinance included the following:

1. Easing of some requirements for Major Site Plan Review.
2. Adding a requirement that a Major Site Plan must comply with an approved Final Development Plan.
3. Requiring greater detail for Plan Review for a Certificate of Zoning Compliance.
4. Requiring a super majority vote to overturn the decision of the planner, the Planning Commission or Board of Architectural Review on appeal.
5. Adding new permitted uses in I-1 zoning districts.
6. Removing internal setback standards for Planned Development zoning districts.
7. Modifying landscape regulations to give greater flexibility to landscape designers when developing site plans.
8. Permitting up to 25% of the area used strictly for storage to be omitted from the gross floor area computation used to determine the number of parking spaces required for a business.

9. Clarifying intersection design and stormwater regulations and including additional documents for applicants to review.
10. Easing design standards for residential accessory structures.

Mayor Kingseed opened the Public Hearing. Seeing no speakers, he closed the Public Hearing.

Mr. Compton sponsored Ordinance No. 17-14, 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, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed 7-0.

In Citizens Concerns and Comments, Mr. Bob Rose, 409 Shawnee Trail, displayed debris collected on his property and the cul-de-sac adjoining it. He complained that the City of Centerville cited him for poor maintenance, while there were problems in the cul-de-sac and on the development to the west. When Mr. Horn stated that the developer had seeded and/or sodded in the area in the past month, Mr. Rose complained that no work had been done on his property to repair the area where a fire hydrant had been installed or where grass had died because shrubs were left after they blew onto his property a number of years ago.

Mr. Horn noted some work had not been completed because of an issue with the final grade of the gravel pathway running from Shawnee Trail to Legendary Way and on toward Paragon Road. Staff felt the final grade was too high and would impede water flow to the west, so the asphalt paving was not done.

Mr. Horn added that the development to the northwest of this property is in Washington Township. A fence has been put along the southern perimeter of that development where there is a question of whether the elevation of the property had changed in comparison to the original construction plans. Since Centerville is the last jurisdiction to complete construction in the area, staff has been trying to make sure that water does not accumulate at the end of the cul-de-sac or the southwest corner of Mr. Rose's lot.

As to remedying the situation, Mr. Spitler stated he had been in contact with the civil engineer for the developer and that he would call again to check on progress toward resolution of the drainage issues. Mr. Rose stated he had an estimate for the costs to restore his yard to its state before the development in the City of Centerville began. Mayor Kingseed committed to getting the parties to cooperate to work out the issues.

**EMERGENCY ORDINANCE NO. 18-14
AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK AGREEMENT
BETWEEN THE CITY, OBERER CONSTRUCTION MANAGERS, LTD. AND
CORNERSTONE DEVELOPERS, LTD FOR CONSTRCION MANAGEMENT SERVICES**

Mr. Horn explained that Oberer Construction Managers, Ltd. had asked to postpone installation of the irrigation lines in landscaping beds at the Cornerstone site, because of the

tightness of the schedule for completing the roads and sidewalks prior to the opening of the Costco Wholesale store. Staff had no objection to the request postponing installation of these items until spring. The matter will be discussed in more detail when the regular ordinance comes up for Public Hearing on November 17, 2014.


Dr. Gresham sponsored Ordinance No. 18-14, An Emergency Ordinance Authorizing And Directing The City Manager To Enter Into An Amendment To The Construction Manager At Risk Agreement With Oberer Construction Managers, LTD. And Cornerstone Developers, LTD. for Construction Management Services, and moved for its approval. Mr. Beals seconded the motion. The motion passed unanimously.

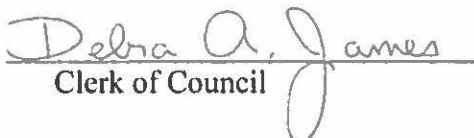
MOTION TO FILL VACANCY CREATED BY RESIGNATION OF DR. GRESHAM

Mr. Liberman explained that Dr. Gresham needed a break in service in order to satisfy requirements of the Ohio Public Employees Retirement System related to health care benefits. For this reason, Dr. Gresham had resigned and had asked to be rehired, effective November 3, 2014, to complete his term which will expire on December 31, 2015.

Mr. Compton nominated Dr. Paul Gresham to fill the vacancy created by his resignation and made a motion for approval of the nomination. Mr. Palcher seconded the motion. The motion passed 6-0-1, with Dr. Gresham abstaining.

The next Centerville Council meeting is scheduled for November 17, 2014. There being no further business, the meeting was adjourned.

Approved: 
Mayor

ATTEST: 
Clerk of Council