

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, December 15, 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 Tony Miltenberger of Centerville United Methodist Church and the Pledge of Allegiance with Mayor C. Mark Kingseed presiding. Council Members and City Staff present were as follows:

- Deputy Mayor Brooks Compton
- Councilmembers John Beals
- Paul Gresham
- Belinda Kenley
- Clerk of Council Debra James
- City Manager Gregory Horn
- Finance Director Steven Hinshaw
- City Planner Andrew Rodney
- Public Works Director Douglas Spitler
- Assistant to the City Manager Jennifer Wilder
- Economic Development Administrator Nathan Cahall
- Community Resources Coordinator Maureen Russell Hodgson
- Municipal Attorney Scott Liberman

Dr. Gresham made a motion to excuse Mr. Palcher and Mrs. Rau from the meeting. Mrs. Kenley seconded the motion. The motion passed 5-0.

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

- Council Meeting - November 17, 2014.
- Work Session Meetings - November 17, 2014.
- December 01, 2014.
- December 08, 2014.

Mr. Compton made a motion for approval of the minutes, as distributed. Mrs. Kenley seconded the motion. The motion to approve the minutes passed with five ayes.

Mayor Kingseed announced that they would be moving agenda items around as an accommodation to Dr. Gresham, whose wife was recovering from surgery. Mayor Kingseed thanked him for coming to provide the quorum needed to pass the emergency measures on the agenda.

**EMERGENCY ORDINANCE NUMBER 23-14 FOR APPROPRIATIONS TO COMPLETE FISCAL YEAR 2014**

Mr. Horn noted supplemental appropriations must be passed, as expenditures in various accounts are finalized for the current calendar year. This emergency ordinance would allow for yearend adjustments.

Mr. Compton sponsored Ordinance Number 23-14 To Amend Ordinance Number 12-14 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, and moved that it be passed. Mr. Beals seconded the motion. The motion passed with five ayes.

EMERGENCY ORDINANCE NUMBER 24-14 FOR APPROPRIATIONS FOR  
FISCAL YEAR 2015

Mr. Horn noted that the formal presentation on 2015 appropriations will be given at the next regularly scheduled meeting, when the Public Hearing for the regular ordinance, Ordinance Number 25-14, is held. Included will be reports on the 2015 Operating Budget and 2015 Capital Improvement Program.

Dr. Gresham sponsored Ordinance Number 24-14, An Emergency Ordinance 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, 2015, and moved for its approval. Mr. Beals seconded the motion. The motion passed with five ayes.

ORDINANCE NUMBER 26-14: EMERGENCY PAY ORDINANCE FOR CITY OF  
CENTERVILLE EMPLOYEES FOR 2015

Mr. Horn briefly explained the pay ordinances for employees of the City. The formal presentation of the annual updates will be at the January 26, 2015 meeting with the Public Hearing for Ordinance Number 27-14. This emergency ordinance would allow the City to function in the interim.

Mr. Compton pointed out an amendment desired by Council for Ordinance Number 26-14 and Ordinance Number 27-14: under Section 5, the third full paragraph, the third full sentence deleting "*the merit payment for the City Manager shall be \_\_\_% of his annual salary.*" With the amendment as noted, Mr. Compton sponsored Ordinance Number 26-14, An Emergency Ordinance To Repeal Ordinances Number 24-13 and 13-14 In Their Entirety And To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, and moved for its approval. Dr. Gresham seconded the motion. The motion passed with five ayes.

ORDINANCE NUMBER 28-14: EMERGENCY PAY ORDINANCE FOR THE GOLF  
CLUB AT YANKEE TRACE FOR 2015

The formal presentation on the annual updates for employees at Yankee Trace will be at the January meeting with the Public Hearing for Ordinance Number 29-14. This emergency ordinance would allow the Golf Club at Yankee Trace to function in the interim.

Mr. Compton sponsored Ordinance Number 28-14, An Emergency Ordinance To Repeal Ordinance Number 25-13 In Its Entirety And To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Associated With The Food Service, Maintenance And/Or Golf Operations Of The Golf Club At Yankee Trace, City Of Centerville, Ohio, and moved for its approval. Dr. Gresham seconded the motion. The motion passed with five ayes.

EMERGENCY ORDINANCE NUMBER 30-14: ADJUSTING FEES AND CHARGES  
AT BENHAM'S GROVE

Mr. Horn noted that Council has historically requested that any increases in charges over 10% at Benham's Grove be enacted by legislation. Because the recommendations of staff for meet this standard, an emergency ordinance is required, so that the changes are able to be effective for contracts signed January 2, 2015 and thereafter. A full presentation will be made at the January meeting when the public hearing for the regular ordinance is held.

Dr. Gresham sponsored Ordinance Number 30-14, An Emergency Ordinance To Amend Ordinance Numbers 23-93, 7-03, And 25-11 To Establish Fees And Charges For The Rental Of Facilities At Benham's Grove, and moved for its approval. Mrs. Kenley seconded the motion. The motion passed with five ayes.

EMERGENCY ORDINANCE NUMBER 32-14: TO APPROPRIATE PROPERTY  
LOCATED AT 5770 WILMINGTON PIKE – FOR THE WIDENING OF WILMINGTON  
PIKE FROM EXISTING WILMINGTON PIKE AND FEEDWIRE ROAD INTERSECTION  
TO SOUTH FOR THE PURPOSE OF PUBLIC RIGHT-OF-WAY AND TEMPORARY  
CONSTRUCTION EASEMENT PURPOSES

Mr. Scott Liberman, Municipal Attorney, explained this legislation is the second step in a process for appropriating property at the Cracker Barrel Restaurant for widening Wilmington Pike. Mayor Kingseed added that the expansion of the roadway should improve the traffic issues at the intersection.

Mr. Beals sponsored Ordinance Number 32-14, 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 5770 Wilmington Pike, Centerville, Ohio For The Widening Of Wilmington Pike From Existing Wilmington Pike And Feedwire Road Intersection To South For The Purpose Of Public Right-Of-Way And Temporary Construction Easement Purposes; And Declaring An Emergency and moved that it be passed. Mrs. Kenley seconded the motion. The motion passed with five ayes.

It was decided to do the Report of the Planning Commission as the next agenda item. Mayor Kingseed thanked the individuals in the audience for their patience in accommodating Dr. Gresham during this meeting.

PUBLIC HEARING: FINAL DEVELOPMENT PLAN, PHASE II, WOODLAND  
GREENS APPLICANT, WALT MINCH, CENTERVILLE DEVELOPMENT GROUP

Mr. Andrew Rodney gave the staff report for the Final Development Plan, Phase II, Woodland Greens at Yankee Trace, submitted by Mr. Walt Minch for 67 single family residential lots on about 21.5 acres. The property is located north of Sawgrass Boulevard between Sheehan Road and Paragon Road in an area zoned R-1C with a Lifestyle Community Overlay. Mr. Rodney described the density, the drainage patterns, the setbacks, the road profile, the landscaping plan and the amenities that will be comparable to those of the wider Yankee Trace Golf Community. He showed photos and aerial views of the current conditions, noting that

there would be a rise in grade from the existing lots on Mackenzie Court up to the building sites for the new homes. He pointed out several areas where changes in grade are of concern to staff. He showed photos and elevations of typical houses among the nine models to be built by Fishbaugh Homes. He said the three phases of the development would proceed from west to east, with build-out taking about three to five years. He pointed out a 50' utility easement on the Mackenzie Court side of the northern property line accommodates both the gas and electric in the area.

Mr. Rodney went over the Standards for Approval before declaring that staff felt the standards could be met. By a 4-0 vote, the Planning Commission recommended approval of the Final Development Plan, subject to the following 13 conditions:

1. All other previous Conditions of Approval from the approved Preliminary Development Plan (P-2013-0051) shall remain in effect.
2. A revised Stormwater Drainage Report reflecting the proposed Woodland Greens development shall be approved by the City Engineer in accordance with UDO Article 9.35.
3. Minimum building setbacks shall be as follows:
  - a. Front yard: 20 feet
  - b. Side yard: 5 feet
  - c. Rear yard: 25 feet
4. Homes on the following lots shall incorporate design features on side elevations to avoid large, blank façades visible from the public street: Lots #1, 6, 22, 27, 40, 41, 42, 54, 55, 61, 62, and 67. The City Planner shall determine the nature of such design features in keeping with the individual building layout and architecture.
5. At minimum, a masonry base consisting of stone or brick shall be required on the sides and rear of homes within view of the golf course, specifically on Lots #25-26 and #41-47.
6. Grades shall be reconsidered in the vicinity of Lots #65-67 and between Lots #57 and 58 to allow for a gentler slope at the rear and sides of these lots.
7. No slope shall be greater than 3:1.
8. Existing healthy, mature trees throughout the development site shall be preserved in accordance with Article 9.25(F) of the Unified Development Ordinance.
9. The Yankee Trace Design Review Guidelines shall be incorporated into the final HOA documents for the Woodland Greens development.
10. All homeowner's association documents shall mimic those of Yankee Trace.
11. An amenities package in keeping with the character and ambiance of Yankee Trace – including hiker/biker paths, lighting, signage, monumentation, fencing, and street trees – shall be provided.

12. Final construction documents shall incorporate all requirements of the Washington Township Fire Department, except for roadway width.
13. The drainage system and landscaping for the entire northern boundary shall be completed with the first phase of the development.

Mayor Kingseed opened the public hearing.

Mrs. Martha Gardner, 10000 Sand Wedge Court, stated appreciation that the Planning Commission added the 13<sup>th</sup> condition to the Final Development Plan. She voiced concerns about the underground gas line, the cutting of the existing honeysuckle and other natural vegetation and the need for a traffic signal at Social Row Road and Paragon Road

In response, Mr. Rodney explained that the City does not control all of the corners of that intersection, so it does not have the ability to place public infrastructure outside the City limits to accommodate a light. There have been a number of conversations with the County Engineer. Mayor Kingseed explained three jurisdictions are involved—Montgomery County, Washington Township and the City.

On a separate issue, Dr. Gresham pointed out that, along the golf course in Yankee Trace, there is a requirement for back yard sprinkling systems. He asked if back yard irrigation would be required on these lots.

Mr. Jack Wysong, 664 Legendary Way, stated that the rear lawns on Mackenzie Court do not have irrigation in the back yards, but the properties along Legendary Way have front and back yard irrigation systems.

Mayor Kingseed noted that a comment was made from the audience that some of the by-laws of some of the subdivisions at Yankee Trace do not require a sprinkling system.

Seeing no other speakers, he closed the public hearing.

Following discussion, Council formed Condition #14, as follows:

14. Irrigation of rear yards of golf lots (#25-26 and #41-47), open spaces and mounded areas shall be required.

Dr. Gresham made a motion for approval of the Final Development Plan, Phase II, Woodland Greens, subject to the conditions recommended by the Planning Commission with the addition of Condition #14 as shown above. Mrs. Kenley seconded the motion. The motion passed with five ayes.

RECORD PLAN – 888-900 EAST FRANKLIN STREET – APPLICANT, SHANE SMITH  
APPLICATION P-2014-0030

Mr. Rodney discussed the application by Mr. Shane Smith of South Dayton Auto and Truck for a replat that would consolidate the two lots at 888 and 900 E. Franklin Street into one. The two-thirds acre property is zoned B-2, General Business. Mr. Smith operated a used car facility at 888 East Franklin and 900 East Franklin was vacant. Mr. Smith wished to occupy 900 East Franklin with his used car facility and also relocate his auto repair business from Compark Road to the building. The plan was to demolish the building at 888 E. Franklin and use that lot for customer parking and a vehicle display area. Mr. Smith had agreed to obtain ownership of both lots within a year and execute this consolidation.

Mr. Rodney noted that, upon review of the City's thoroughfare plan, no additional right-of-way would need to be dedicated with this record plat. The Planning Commission recommended to Council approval of the Record Plan with a 4-0 vote.

Dr. Gresham made a motion for approval of the record plat for 888-900 East Franklin Street. Mr. Beals seconded the motion. The motion passed with five ayes.

Dr. Gresham left the meeting at this time.

Mr. Larry Fouty will give his presentation at the January 26, 2015 Council Meeting concerning the Food 2 Go program.

Mrs. Jan Prettyman, Chair of the City Beautiful Commission, announced Pieces of Style at 18 West Franklin Street had won the Business Pride Holiday Lighting Award. She also congratulated the following Residential Holiday Lighting Awards:

Mr. and Mrs. Steve Pemberton, 5156 Crispy Drive  
Mr. and Mrs. Wayne Moore, 6121 Parkridge Drive  
Mr. and Mrs. Edward A. Hawley, 7725 Glenbrier Place  
Mr. and Mrs. Clifford Smith, 260 Bethel Road  
Ms. Marsha Greene, 135 East Ridgeway Drive  
Mr. and Mrs. Eric Heigel, 9207 Shawhan Drive  
Mr. and Mrs. Pierre Tismo, 1061 Kenworthy Place

Mayor Kingseed congratulated the City's Finance Director, Dr. Steven Hinshaw, who recently received two impressive awards from the Government Finance Officers Association (GFOA). First was a Certificate of Achievement for Excellence in Financial Reporting for the 2013 Comprehensive Annual Financial Report (CAFR). The second was an Award for Outstanding Achievement in Popular Financial Reporting from the GFOA for the 2013 Annual Financial Report Summary.

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

- He thanked those who attended the Tree Lighting Ceremony at Benham's Grove on November 23.

- He extended best wishes to Carol Kennard, Director of the Centerville-Washington Park District who retired on December 11. He noted her accomplishments in improving the quality of life for our citizens.

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

- He congratulated Steve Shaw, Director of Food Service/Yankee Trace, who is retiring after 20 years of service and wished him a long and happy retirement.
- He added his accolades for Carol Kennard.
- He announced that House Bill 5 unfortunately had passed the Ohio Senate last week, and the Governor was expected to sign it soon. Staff has estimated HB 5 will cause a loss of \$800,000 per year to the City going forward. Staff and Council will be discussing measures which will need to be taken to compensate for the loss.
- He congratulated Dr. Hinshaw on the two awards and for his leadership in the Finance Department.
- Mr. Horn discussed Fire and EMS protection in the incorporated area of Sugarcreek Township. He reviewed the history of the annexation, the service agreements and the implementation of TIF financing. He explained that the City offered, even though under law it had no obligation, 55% of the property tax on the new commercial/<sup>\*non-residential</sup> value that is being created to be utilized for Fire and EMS services; the City would receive 45% of the increase in property tax to use for public roadways and infrastructure. The Township would continue to receive 100% of the original tax (amount currently generated) for Fire and EMS. When the owner-occupied residential area is developed, the offer was for 100% of the assessed millage for Fire and EMS to go to the Sugarcreek Fire Department to fund equipment and personnel.   
DAG

A couple of weeks ago, Sugarcreek Township Trustees took action to create a Fire District, effective February 1, 2015, that would exclude Sugarcreek Fire and EMS coverage at Cornerstone and on nearby major roadways. Centerville will continue to work for a solution to this unfortunate situation. The safety of individuals and property must not be put at risk.

Mr. Cahall reported on code violations and corrections for the month of November and detailed the Community Calendar for the remainder of November and December.

#### In Committee Reports:

Mr. Beals reported on several items. First, he announced that the Storm Water Drainage Task Force had determined the Task Force's assignment had been completed. The members decided they would continue meeting annually, but as a Stormwater Review Committee. Second, he noted that Woodlands Lights at the Centerville-Washington Township Rec Center would continue through the end of the holiday season. Third, he praised Carol Kennard for building the park system during her tenure and noted that park number 50 was a four acre park north of Rahn Road on the west side of Far Hills Avenue.

Mrs. Kenley announced that the City's Business Task Force was wrapping up its work. She felt one of the biggest benefits was the interaction between City Staff and some business owners in the community. She said she would be presenting the Task Force's recommendations to Council in the near future.

Mayor Kingseed explained that the Consent Agenda contains routine procedural and administrative matters which the Council had discussed in Work Sessions. He noted that Council had agreed to remove Item K from the Consent Agenda and will not be voting on this item. Council Members read the following remaining Consent Agenda items into the record:

- A. Approval of 2015-2019 Capital Improvement Program.
- B. Ordinance No. 25-14, An Ordinance 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, 2015, be set for Public Hearing January 26, 2015.
- C. Ordinance No. 27-14, An Ordinance To Repeal Ordinances Number 24-13 And 13-14 In Their Entirety And To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Of The City Of Centerville, Ohio, be set for Public Hearing January 26, 2015. *As Mr. Compton noted in the motion for Emergency Ordinance Number 26-14, there is reference under Section 5, the third full paragraph, the third full sentence to "the merit payment for the City Manager shall be \_\_\_% of his annual salary" that shall be struck out*.
- D. Ordinance No. 28-14, An Ordinance To Repeal Ordinance Number 25-13 In Its Entirety And To Establish Class Titles, Pay Ranges, Grades, Rates Of Pay, And Regulations For Employees Associated With The Food Service, Maintenance And/Or Golf Operations Of The Golf Club At Yankee Trace, City Of Centerville, Ohio, be set for Public Hearing January 26, 2015.
- E. Ordinance No. 33-14, An Ordinance Amending Ordinance Number 14-08, Chapter 1216, The Unified Development Ordinance, As Amended, To Rezone 0.49 Acres Of Land, More Or Less, Located at 16 East Elmwood Drive from R-1D, Residential Zone Classification, To O-S, Office Service Zone Classification, be set for Public Hearing on January 26, 2015.
- F. Ordinance No. 30-14, An Ordinance To Amend Ordinance Numbers 23-93, 7-03, And 24-11 To Establish Fees And Charges For The Rental Of Facilities At Benham's Grove, be set for Public Hearing on January 26, 2015.
- G. Ordinance No. 34-14, An Ordinance Approving The Editing And Inclusion Of Certain Ordinances And Resolutions As Parts Of The Various Component Codes Of The Codified Ordinances; Providing For The Adoption And Publication Of New Matter In The Updated And Revised Codified Ordinances; And Repealing Ordinances And Resolutions In Conflict Therewith, be set for Public Hearing on January 26, 2015.
- H. Ordinance No. 35-14, An Ordinance Amending Ordinance 14-08, Chapter 1216 Of The Centerville Municipal Code, The Unified Development Ordinance For



The City Of Centerville, Ohio, To Amend Section 9.33 Parking Fee-In-Lieu, be set for Public Hearing on February 16, 2015.

- I. Resolution No. 47-14, A Resolution Ratifying The Action Taken By The City Manager To Enter Into A Contract With Motorola Solutions, Inc. For A Police Department Communications System Without Competitive Bidding.
- J. Resolution No. 48-14, A Resolution Accepting The Bid Submitted By Smith-Boughan Mechanical Services, Inc. Of Lima, Ohio, For The Yankee Trace Chiller Replacement Project In The City Of Centerville And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- ~~K. A Resolution Supporting The Construction Of A Wright Flyer Icon To Be Located At The Southwest Quadrant Of I-70 And I-75.~~
- L. Reappointments as Follows:
  - Cindy Monter Clay as Chair to the Sister City Committee for a one-year term.
  - Mary Pizza as Vice-Chair to the Sister City Committee for a one-year term.
  - James Collins as a Member to the Arts Commission for a three-year term.

Mr. Compton sponsored the Consent Agenda, minus Item K, and moved for its approval. Mr. Beals seconded the motion. The motion passed unanimously with four ayes.

#### PUBLIC HEARING FOR ORDINANCE NUMBER 22-14: RULES, FEES AND REGULATIONS AT THE GOLF CLUB AT YANKEE TRACE

The Public Hearing was held for Ordinance Number 22-14 to adopt updates in fees, rules and regulations for the Golf Club at Yankee Trace. Mrs. Wilder gave the staff report on the recommendations for changes. An increase of \$1.00 to the junior weekday rates was requested, while all of the other rates would remain the same. Staff also recommended the adjustment of the weekend tee times for mid-day memberships, making them 11:00 a.m. to 3:00 p.m. instead of noon to 4:00 p.m. She reported sales of memberships had been consistent the past several years.

Mayor Kingseed opened the public hearing; seeing no speakers, he closed it.

Mr. Compton sponsored Ordinance Number 22-14, An Ordinance To Amend Ordinance Number 15-13, Adopting All Fees, Rules And Regulations Associated With The Golf Club At Yankee Trace And Providing Compensation For Golf Professionals, and moved that it be passed. Mrs. Kenley seconded the motion. The motion passed with four ayes.

Mr. Jack Wysong, 664 Legendary Way, clarified his earlier comments on irrigation requirements stating that the original homes on Legendary Way had irrigation in their front and rear lawns, but the ones in the newer sections may not.

Mayor Kingseed wished everyone a Merry Christmas and a great Holiday Season.

The next Centerville Council meeting is scheduled for January 26, 2015. There being no further business, the meeting was adjourned.

Approved: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Clerk of Council