

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, July 15, 2013, at 8:00 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 and the Pledge of Allegiance with Mayor C. Mark Kingseed presiding. Council Members and City Staff were present as follows:

Council Members Deputy Mayor Brooks Compton
 John Beals
 Douglas Cline
 Paul Gresham
 Belinda Kenley
 James Singer

Clerk of Council Debra James
City Manager Gregory Horn
Finance Director Steven Hinshaw
City Planner Steven Feverston
Public Works Director Robert James
City Engineer Douglas Spitler
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 Meeting - June 17, 2013.

Work Session Meetings - June 17, 2013.
 July 01, 2013.
 July 08, 2013.

Dr. Gresham 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. Mr. Cline abstained from the vote on the minutes of the work sessions of July 1 and July 8. Mrs. Kenley abstained from the vote on the minutes of the work session meeting of July, 8, 2013.

Mrs. James announced the resignation of Louise Gaertner from the Sister City Committee. Mayor Kingseed thanked her for her service.

Mrs. Deborah Jay and Mr. Tom Shultz from the Satellite Juvenile Court of Washington Township and the City of Centerville were present to give an update on this forum established in 1991 to deal with the types of offenses committed by youth in the Centerville/Washington Township Community. Mrs. Jay explained how the cases are treated and the types of restitutions made. Mayor Kingseed thanked both of them for the hard work that they have done to make the Satellite Juvenile Court successful.

Mr. Ken Moss reported on the Think Tank Re-entry Circles of Dayton. Reentry Circles of Dayton is an adaptation of the National Circles Campaign whose mission is to build relationships and resources to help individuals transition out of poverty and/or prisoners successfully reenter the community. The groups work to change the mindset of the ex-offender and the community, to connect individuals with supportive community relationships and to

empower ex-offenders to solve personal, family and community problems. Mr. Moss introduced Mr. Gordy with the Circles hosted by Living Hope Church and Pastor Chad Current. Mr. Gordy noted that the most exciting thing he has seen is that the individuals they are trying to help want to walk in a new direction. Mr. Ken Moss at (937) 926-3523 is the contact for the area Circles program.

On behalf of the City Beautiful Commission, Mrs. Jan Prettyman announced that Albrecht Custom Home, Inc., at 63 Compark Road and Superior Dental of 6683 Centerville Business Parkway were the winners of the July Community Business Pride Awards. She announced the July Residential Landscape Award winners as follows:

Rick & Marcia Heben
6509 Atterbury Court

Greg & Amy Foley
440 Cedarleaf Drive

Roger & Brenda Ferry
871 Hyde Park Drive

Jack & Charlotte McCarthy
9710 Pawnee Pass

Lonnie & Deborah Holloway
7511 James Bradford Drive

Greg & Judy Mescher
790 Yankee Trace Drive

Howard & Dorothy Hensley
148 E. Franklin Street

Mayor Kingseed noted the following in the Mayor's Report:

He thanked everyone on the Americana Committee for organizing this great event that has become the signature event for Centerville and Washington Township.

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

He thanked the residents for their patience on the East Spring Valley Road project. The Montgomery County Water Utility Department has finished the water line replacement, an extensive job that had to take place first. Concrete work and full depth asphalt are nearly complete. Milling and paving should be finished in the next few weeks.

The Summer Resurfacing Program benefitted from getting an early start this season. Included were curb work, full depth asphalt repair in different areas, crack filler and resurfacing. Work should be completed before the return of the children for the new school year.

In reference to the Americana Festival, Mr. Horn congratulated Jim Reppert for the honor of being named the Grand Marshal of the Americana Festival and for his outstanding record of service to the community over the years. He thanked the Americana Committee, our Public Works Department and the Police Department for working very closely with the Americana Committee.

Mr. Horn offered condolences to Carol Brunner and her family on the passing of her husband, Jim Brunner. He said Jim was a friend to our entire staff, served on the Planning Commission for many years and was named Volunteer of the Year in 2011.

Mr. Horn noted that the City receives Public Health Heat Advisories. This information is posted on the City's website and is also available on the heat line at 913-2000. He encouraged residents to check on their elderly neighbors.

As a reminder to all the golfers in the community, he stated that Yankee Trace is in good shape and ready for golf activity. Staff is hoping for a strong second half of the summer since the first half of the summer was a challenge with many rainy days and then oppressive heat.

Mrs. Wilder gave the statistics on Code violations and corrections for June, before presenting the community calendar for the remainder of July and for August. She reviewed items such as the Farmers Market, the Stubbs Park Veterans Memorial Enhancement Project, the Police Department's open house on August 3 from 1-4 p.m., the summer concert series, Yankee Trace opportunities, Public Works activities, recycling resources, and board and commission openings.

Mayor Kingseed offered condolences to Carol Wasson's family; Carol had been a long-time volunteer who served on the Arts Commission.

Mr. Horn introduced and welcomed Andrew Rodney, a newly hired member of the Planning Department.

PUBLIC HEARING: FINAL DEVELOPMENT PLAN FOR VOSS CHEVROLET VEHICLE STORAGE LOT, 290 LOOP ROAD

The Public Hearing was held concerning the Final Development Plan filed by Mr. Gregory Stout on behalf of Voss Chevrolet. In the report of the Planning Commission, Mr. Feverston presented background for the FDP at 290 Loop Road, an 11 acre wooded site where Voss is constructing a storage lot for dealership cars. The property is zoned B-PD, Business Planned-Development. He gave a history of activity on the site and showed the planned elevation changes, access points, landscape plan, drainage proposal, and the clearing boundary. Mr. Feverston showed photos of the area and pointed out that an updated proposal had been submitted by Judge Engineering earlier in the day. Staff recommended the Final Development Plan submitted earlier, subject to 11 conditions, but the Planning Commission, at its meeting on June 25, 2013, had voted not to recommend the plan to Council by a 5-1 margin. The Planning Commission, however, did approve a parking and paving setback variance for the parcel along the Loop Road frontage.

Gregory Stout, 100 Loop Road, thanked Council for providing a good forum at the Work Session, Monday, July 8, 2013. As a result of the exchange of information, Voss made some changes to the plans. He stated that the recent changes related mainly to the landscaping for the project. Of the 10.47 acres Voss purchased on Loop Road, the company proposed to develop only 1.19 acres. Mr. Stout summarized the issues as drainage and stormwater management, slope, vegetation, screening and sight lines and then addressed these items. He noted that the Planning Department had recommended approval of this project. He asked for Council's affirmative vote.

Mr. Brad Judge and Mark Stuart, both of Judge Engineering, addressed three concerns—the visual impact on the Village South residents, the severity of the 2:1 slope of the embankment, and the impact of stormwater runoff on properties in Village South. They showed a sight line drawing of the project from the perspective of the residents on the western side of the property assuming a 30' tree crown. The tree crown completely obscured the car lot. They also shared the Landscape Plan for the use of columnar juniper trees in a 10' strip on the back side of the

parking lot and showed lines of sight from various angles. Mr. Stuart passed samples of two different kinds of seeding mats that they are proposing to use to stabilize the slopes: hydroseeding of grass or crown vetch. The engineers reiterated that the rate of stormwater runoff will be reduced from 30 to 70% of its predevelopment rate with the proposed stormwater management practices. The pre-construction rate was based on their best approximation of conditions prior to any construction and as close to natural conditions possible.

Jim Foley, 351 Whittington Drive, stated that Voss may only be developing 1.2 acres of 10+ acres, but much of the vegetation will be cleared as the slopes are filled. He also noted that all the photos were in the summer when leaves on the trees provide buffers. About seven months of the year, the view will not be as Judge Engineering described it. He said residents would see the road, the traffic, other facilities and lights. He felt there would never be a significant visual buffer growing on the slopes.

Rodney Miller, 320 South Village Drive, agreed with Mr. Foley. In reference to the visual impact, Mr. Regis Lekan currently can see cars and the buses on Loop Road from his home in Village South. He expressed appreciation for changes in the landscape plan to include junipers, but asked for a very specific and enforceable landscape plan. Other important issues for residents of Village South included stormwater run-off from the acreage, the proper maintenance of the slopes and detention basin and possible future uses of the parcel. He urged consideration of all the issues that had been raised and asked for severe limits on the development plan.

Orville Huggins, 291 Edgebrook Drive, stated that a picture that Mr. Judge had shown of an area the day after a hard rain was misleading, because if you walked in that area you would be up to your ankles in water. He asked for a definitive plan for maintenance of the detention pond in perpetuity.

Margaret Foley, 351 Whittington Drive, asked the City Engineer and Judge Engineering about the possibility of a landslide on the east side of this property where the existing slope is more dramatic. She asked if the engineers had used digital elevation models and lidar. Mr. Judge stated his familiarity with lidar and digital modeling of terrain. He stated that the use of the slope stabilizations suggested, would be sufficient for slope stabilization. Ms. Foley also raised issues concerning oversight of the project and the lighting to be installed. Mr. Feverston defined the requirements in the code for minimal lighting for security purposes.

Council members discussed concerns regarding restrictions on future uses, determining that any change of use would require a new development plan to be submitted. When Mr. Compton asked how long crown vetch would take to become established, Mr. Judge stated that it would fill in quickly under the right conditions and would hold the 2:1 slopes in place. Mr. Cline asked how big the junipers would be when planted and verified that they could grow to twenty feet tall.

When questioned about the proposed extension to the east, Mr. Judge stated that 140 cars could be stored on the main area and 50 cars on the extension. Mr. Compton stated his concern for the uniqueness of the property and the possible impact on the adjoining neighborhood, before Mayor Kingseed noted that he would like for staff to have time to consider the proposed changes that had been submitted earlier in the day.

Mr. Compton moved to table the application for the Final Development Plan to a special meeting on July 29 or August 5, in order to give staff time to review the new proposal submitted by Judge Engineering on this date. Mrs. Kenley seconded the motion. The motion passed unanimously.

RECORD PLAN – HIGHLANDS AT YANKEE TRACE, SECTION 4

Mr. Feverston gave the staff report for the record plan for the final section of the Yankee Trace golf community to be developed by Great Traditions. He defined the area on a map showing the extension of Legendary Way terminating with a cul-de-sac bordered by lots for 14 single family attached and two single family detached homes. On June 25, 2013, the Planning Commission unanimously recommended approval of the record plan with the following thirteen conditions:

1. Execution of a Subdivider's Agreement is required with the City of Centerville.
2. In lieu of construction of the required improvements prior to the recording of the plat, a performance bond is required. The bond amount is based upon the engineer's estimate, which shall be submitted by the developer for approval by the City Engineer. The estimate is for the construction of the required public improvements including earthwork, storm sewer, pavement, emergency access drive, hiker biker path, traffic control, erosion control and restoration of the construction drive.
3. A one year maintenance bond in the amount of 10% of the original performance bond will be required when the public improvements are complete and the performance bond is released.
4. Provide for review and inspection fees per Section 1214 of the Centerville Municipal Code.
5. Protective covenant(s) shall be placed on the record plat, subject to approval by the City Attorney, that state the following:
 1. The adjoining lake was constructed by the City of Centerville for the purpose of golf course irrigation.
 2. The lake shall be used solely and exclusively by the City of Centerville.
 3. The water level may from time to time be low as a result of irrigation.
 4. These covenant(s) shall not be changed, altered or deleted without the approval by the City of Centerville.
6. The construction drive shall be maintained and kept in good condition at all times by Yankee Trace Development, Inc. The original design for the construction drive shall be included in the construction sets for this subdivision. This drive shall be reconditioned to original design by Yankee Trace Development, Inc. at the completion of all construction, including homebuilder construction that is associated with this subdivision subject to approval by the City Engineering Department.
7. The location of the access drive and the hiker/biker path as they merge onto Legendary Way shall be situated subject to the approval of the City Planner. The access easement shown on the record plat shall extend to the Legendary Way right-of-way where the

hiker/biker and emergency access drive is situated subject to approval by the City Planner.

8. A final grading and stormwater drainage plan shall be subject to approval by the City Engineering Department showing drainage calculations and incorporating retention and/or detention and erosion control during construction in accordance with the City Stormwater Drainage Control Ordinance.
9. The bank of the irrigation lake behind lots 59 and 60 shall be graded to provide a slope not to exceed 3:1 subject to approval by the City Engineer.
10. The grading behind lots 61-66 shall be modified to shift the drainage swale away from the rear of the houses to provide a minimum usable outdoor area in both width and gradient per Article 9.35 of the UDO subject to approval by the City Planner.
11. Lot 60 shall be modified to provide a minimum perimeter of 15 feet from the normal pool of the irrigation lake to the lot line and to eliminate the access easement on lot 60 subject to approval by the City Planner.
12. The minimum building setback for lot 59 and 60 shall be modified to also provide a minimum setback of 40 feet to the normal pool elevation of the irrigation lake subject to approval by the City Planner.
13. A landscape plan for Reserve Area N shall be submitted as a part of the construction plans subject to approval by the City Planner. This plan shall include a combination of evergreen and deciduous trees as required by the Residential Cluster Development Plan approved by the Planning Commission in 2006.

Mr. Compton made a motion to approve the Record Plan for the Highlands at Yankee Trace, Section 4, subject to the conditions recommended by the Planning Commission. Mr. Cline seconded the motion. The motion passed with seven ayes.

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 Consent Agenda items into the record, before Mr. Beals sponsored the following items and moved for their approval:

- A. Resolution No. 30-13, A Service Resolution In Support Of The Proposed Annexation Of Property Containing 0.933 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.
- B. Resolution No. 31-13, A Resolution Regarding Zoning Buffers In A Proposed Annexation Of Property Containing 0.933 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.

- C. Resolution No. 32-13, A Resolution Authorizing The City Manager To Enter Into A Memorandum Of Understanding With The Montgomery County Land Reutilization Corporation (MCLRC) To Facilitate The Reclamation, Rehabilitation And Reutilization Of Vacant, Abandoned, Tax-Foreclosed Or Other Real Property Within The City Of Centerville.
- D. Resolution No. 33-13, 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.
- E. Resolution No. 34-13, A Resolution Supporting The Efforts Of The Washington Township Fire Department In Completing The 2010 Strategic Plan, 2013 Integrated Risk Management Plan/Standards Of Cover And 2013 Self-Assessment Manual, Suggesting Additional Goals And Requesting An Annual Report To Council.
- E. Reappointments as Follow:
 - Carolyn Basford to the Sister City Committee for three years.
 - Dan Carfagno, as Chairman of the Property Review Commission for one year.
 - Paul Clark as Chairman of the Planning Commission for one year.
 - Charles Graham as Chairman of the Board of Architectural Review for one year.

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

**PUBLIC HEARING: ORDINANCE NUMBER 6-13: REWRITING CHAPTER 836,
PEDDLERS, VENDORS, CANVASSERS, AND CHARITABLE SOLICITORS**

Dr. Gresham made a motion to remove Ordinance Number 6-13 from the table for consideration. Mr. Cline seconded the motion. The motion passed with seven ayes. Dr. Gresham made the motion to table the public hearing for Ordinance No. 6-13, An Ordinance Repealing Chapter 836 "Peddlers and Solicitors" Of The Codified Ordinances Of The City Of Centerville And Enacting New Chapter 836 Entitled "Peddlers, Vendors, Canvassers, And Charitable Solicitations, until the August 19, 2013 Council Meeting. Mr. Cline seconded the motion. The motion passed with seven ayes.

**PUBLIC HEARING: ORDINANCE NUMBER 7-13: TIF FOR CORNERSTONE
NORTH**

Mr. Horn read a statement defining Tax Increment Financing, the need for a TIF at this time in conjunction with the development of Cornerstone North, and the terms of the agreement. Significant roadway improvements are needed on Feedwire Road and Wilmington Pike as well as public improvements within the parcel. The TIF will help to provide funding for these purposes. Only property taxes on the increase in the value of the Cornerstone property are included. The Bellbrook-Sugarcreek Local Schools and the Greene County Vocational School

District will not be affected by the terms of the TIF, in other words, school financing remains "whole."

Mr. Cline sponsored Ordinance No. 7-13, An Ordinance Declaring The Improvement To Certain Parcels Of Real Property To Be A Public Purpose And Exempt From Taxation; Establishing A Tax Increment Equivalent Fund And Providing For The Collection And Deposit Of Service Payments Into That Fund, Specifying The Public Infrastructure Improvements Directly Benefiting The Parcels; And Authorizing Make-Whole Compensation Payments To The Bellbrook-Sugarcreek Local School District And The Greene County Vocational School District, and moved that it be passed. Mr. Singer seconded the motion. The motion passed unanimously.

PUBLIC HEARING: RESTRICTIONS OF STREET SALES OF FROZEN DESSERTS AND FOOD VENDING VEHICLES.

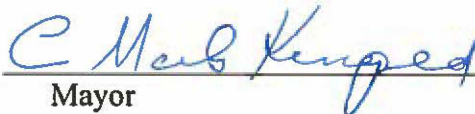
Mr. Feverston gave the staff report and stated that Chapter 836.03 of the Municipal Code "Restrictions on Street Sales of Frozen Desserts" is being repealed in its entirety. A new Chapter 844 "Mobile Food Vehicle Vendors" is being adopted. It will regulate mobile food vehicles and will allow them to operate in the public right-of-way provided it is not on a street designated as a Thoroughfare Street. Hours of operation will be 11:00 a.m. – 8:30 p.m. There is a license fee of \$200.00.


Mr. Compton sponsored Ordinance No. 8-13, An Ordinance Establishing Chapter 844 "Food Vending Vehicles" Of The Codified Ordinances Of The City Of Centerville And Repealing Chapter 836.03 "Restrictions On Street Sales Of Frozen Desserts", and moved for its approval. Dr. Gresham seconded the motion. The motion passes with seven ayes.

Under Citizens' comments:

Jack Wysong, 664 Legendary Way, voiced his concerns about having an emergency exit route for residents on Legendary Way. It was explained if there was a dire emergency, emergency personnel would use any means possible for the residents' safety.

There being no further business, the meeting was adjourned.

Approved: 
Mayor

ATTEST: 
Clerk of Council