

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, September 16, 2013, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Mayor Mark Kingseed and the Pledge of Allegiance with Mayor Kingseed presiding. Council Members and City Staff were present as follows:

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

Clerk of Council Debra James
City Manager Gregory Horn
Finance Director Steven Hinshaw
City Planner Steven Feverston
Planner Andrew Rodney
Public Works Director Robert James
City Engineer Douglas Spitler
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 - August 19, 2013.

Work Session Meetings - August 19, 2013.
September 9, 2013.

Dr. Gresham made a motion for approval of the minutes, as distributed. Mrs. Kenley seconded the motion. The motion to approve the minutes passed with six ayes. Mr. Beals abstained from the vote on the minutes of the work session of September 9, 2013.

Under communications, Mrs. James announced an appeal filed by Mr. Jeff Zimmer against a decision by the Planning Commission requiring a screen wall, in lieu of the required 10' buffer yard, on the east property line at the Shops of North Village, 6230 Far Hills Avenue. This matter will come before Council under Old Business on the Council Meeting agenda on this date as a Public Hearing.

Mayor Kingseed led the Council in honoring former Mayor Shirley Heintz, who has been a tremendous leader responsible for the construction of many of the amenities that characterize our community. She served on Council for four years and then as Mayor from 1983 until 1995, the time of the construction of the amphitheater at Stubbs Park, gazebos throughout the community, the renovation of Benham's Grove, and the initial development of Yankee Trace. The significance of Yankee Trace is not just the presence of a highly rated golf course within the community, but also the presence of the 900 homes at Yankee Trace with homeowners paying income taxes and property taxes amounting to millions of dollars that support the Centerville Schools, the Parks, the Washington-Centerville Library, Washington Township government, the

Fire Department and the City. All of these things happened because Shirley Heintz had leadership in the 1980's and 1990's. Mayor Kingseed announced that the City of Centerville is officially naming one of the ballrooms at Yankee Trace the *Shirley Heintz Room* and affixing a bronze plaque there as a reminder of her many contributions to the City. Mayor Kingseed read a proclamation naming September 16, 2013 as *Shirley Heintz Day* in the City of Centerville and presented her with a bouquet of flowers. Mrs. Heintz thanked everyone for the kind words and the honors they bestowed. She noted that it was her pleasure to lead the City of Centerville and that it was important that successive Councils followed through with the initiatives begun in her tenure.

Mayor Kingseed thanked the City Beautiful Commission and all the homeowners within the City of Centerville who maintain their homes with distinction, before Ms. Patty Kraft explained the work of the City Beautiful Commission and welcomed the winners of the Summer Residential Landscape Awards for 2013.

June

Community Pride Awards: Aaron Nutt Cottage and the Ashton Glen Apartments.

Residential Summer Landscape Awards:

Steve and Jiniffer Harbour	2510 Hingham Lane
Hank and Jane McElderry	6220 Brentshire Court
Bob and Jan Pangburn	1325 Brainard Woods Drive
Jack Curtis	110 White Birch Road
Susan and Joe Medsker	7056 Fallen Oak Trace
Ted and Jan Frederick	430 Island Lake Court
Kevin and Debbie Round	1599 Olde Haley Drive

July

Community Pride Awards: Albrecht Custom Homes, Inc. and Superior Dental.

Residential Summer Landscape Awards:

Rick and Marcia Heben	6509 Atterbury Court
Roger and Brenda Ferry	871 Hyde Park Drive
Lonnie and Deborah Holloway	7511 James Bradford Drive
Howard and Dorothy Hensley	148 East Franklin Street
Greg and Amy Foley	440 Cedarleaf Drive
Jack & Charlotte McCarthy	9710 Pawnee Pass
Greg and Judy Mescher	790 Yankee Trace Drive

August

Community Pride Awards: Cheltenham Homeowners Association and The Wood Apartments.

Residential Summer Landscape Awards:

John Gruenwald	6670 Leeds Circle
Linda Macke	6410 Hidden Hills Drive
Roger and Ann Wurtzbacher	7410 Forest Creek Drive
Arnold and Teresa Nickell	116 Gershwin Drive
Joe Willhoite	225 Linden Drive

Marc and Judy Tebben
Andrew and Kristy Harmon

9171 Stephanie Street
1258 Waters Edge Drive

Ms. Kraft and Mayor Kingseed invited everyone to the Law Library for a reception sponsored by the City Beautiful Commission.

After the recess, the meeting resumed with an update by Greg Darling, Director of the Castle, 133 North Main Street. He explained the mission, the programs & events, and the fundraising for this group that works with individuals with mental illness. He mentioned that 20 years ago next month, Former Mayor Shirley Heintz, cut the ribbon when The Castle was opened. The Recovery Center, a tremendous addition to the services offered, was opened last year to enable The Castle to move beyond being a center where people with mental illness come for social activities to providing services for people who wish to work on their recovery. Mr. Horn recalled that Shirley Heintz worked with City Engineer, Norbert Hoffman, over a period of about three years to get a traffic signal at the intersection of Irongate Drive and North Main Street to make it safer for visitors to the Castle.

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

- He and Dr. Gresham had the opportunity to attend the Ribbon Cutting for Mathnasium, a unique new business which helps children up to high school age do better at math.
- Deputy Mayor Compton read the Proclamation of September 17-23, 2013 as *Constitution Week*.

Mr. Horn stated that he did not have a report.

Ms. Gopman gave the statistics on Code violations and corrections for August, before presenting the community calendar for the remainder of September and October. She reviewed items such as the Farmers Market, the Art Gallery located at the Police Department, and Yankee Trace events. Beggar's Night will be Thursday, October 31 from 6-8 in Centerville, and the Centerville Arts Commission will present "Wind in the Woods" on October 6 at Magsig Middle School. Ms. Gopman reviewed information on Public Works activities, recycling resources, prescription cards and board and commission openings.

RECORD PLAN – CENTERVILLE PLACE
1023 S. Main Street – 15.25 Acres - Three Outlots

In the report of the Planning Commission, Mr. Feverston discussed the application by Mr. Thomas Dusa of the Haley-Dusa Group for a record plan that would plat separately the three outlots, occupied by the Wendy's Restaurant and two banks, from the site of the former Kroger building at 1023 South Main Street. This 15.25 acre property in Centerville Place is owned by Black Equities and is zoned Business Planned Development. Using a map, an aerial photo and a plot plan, Mr. Feverston pointed out legal non-conformities, such as insufficient parking and paving setbacks, that must be corrected prior to the replat. A Major Site Plan for this purpose was approved by the Planning Commission at its August 27, 2013 meeting. Important elements included widening parking and paving setbacks, reshaping landscaped islands, limiting access for proper stacking at the intersection and improving sight distance. Mr. Feverston noted that the

plat would not be signed and released until the work of the Major Site Plan was completed and inspected or was bonded.

The Planning Commission recommended approval of the record plan, subject to the following five conditions:

1. This record plat shall be released for recording by the City at the time when one of the following is met:
 - a. All permitting and construction of all improvements shown on the Major Site Plan application P-2013-0037 as approved by the Planning Commission has been completed and inspected by the City or
 - b. A bond in an amount acceptable by the City Engineer is posted by the property owner for all improvements shown on the Major Site Plan application P-2013-0037 and as approved by the Planning Commission.
2. Prior to recording of this plat, an owners' association or other legal regime shall be established for the purpose of maintenance of all common facilities including vehicular and pedestrian access, landscape, and stormwater drainage subject to approval by the City Attorney.
3. Prior to recording of this plat, the language for the "Restrictions on Sanitary Sewer Easements" shall be subject to approval by Montgomery County Water Services.
4. An easement, reserve or common area shall be established on the record plat allowing the main shopping center sign to be maintained in a legal location on the site subject to approval by the City Attorney.
5. The Applicant shall identify the overland flood route.

Mr. Compton made a motion for approval of the record plat for Centerville Place Shopping Center, subject to the conditions recommended by the Planning Commission. Dr. Gresham seconded the motion. The motion passed with six ayes.

Mr. Cline offered condolences to the family of Mr. Don "Monk" Meineke who recently passed away. He expressed that Mr. Meineke had a history of dedication to our community and to the whole Miami Valley area.

Mr. Beals noted that the Historical Society has republished its book, *A Sense of Place*, and that it is for sale. The book is improved, and color photography has been added. Mr. Beals noted that a history of the community is a good book for every family to own.

Mr. Compton announced that, on August 19, 2013, the report of the Mayor's Committee To Study Intergovernmental Relations was accepted by Council for review. A Work Session is scheduled for December 2, 2013, to discuss the Committee Report and Recommendations.

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. Cline sponsored the following items and moved for their approval. Mayor Kingseed noted that he would not be voting on Item "A".

- A. An Ordinance Amending Ordinance Number 14-08, Chapter 1216, The Unified Development Ordinance As Amended, To Rezone 13.8 Acres Of Land, More Or Less, Located On The West Side Of Paragon Road At The Curve South Of Spring Valley Pike From Washington Township A, Agriculture Use, To City Of Centerville R-1C, Single-Family Residential Zone Classification. (Set for Public Hearing October 21, 2013)
- B. 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 The Standards For Mobile Food Vehicle Vendors. (Set for Public Hearing October 21, 2013)
- C. Resolution Number 43-13, A Resolution Accepting The Amounts And Rates As Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Auditor.
- D. Resolution Number 44-13, 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. 96675, MOT SR 48/201 VAR) *Microsurfacing on Far Hills at Alex-Bell Road – 2014.*
- E. Resolution Number 45-13, 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. 96042, D07 BH FY15) *ODOT Bridge Maintenance in the City of Centerville – 2015.*
- F. Resolution Number 46-13, 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. 94556, MOT SR 48 3.26) *Resurface a Portion of S.R. 48 from Franklin Street to I-675-ODOT Project-2016.*
- G. Resolution Number 47-13, A Resolution Enacted By The City Of Centerville, Montgomery County, Ohio, Hereinafter Referred To As The Local Public Agency, (LPA) In The Matter Of The Stated Described Project (PID NO. 95662, MOT Wilmington Pike 0.00) *Traffic Signal System Upgrade Project - 2018.*
- H. Resolution Number 48-13, A Resolution Authorizing The City Manager To Enter Into An Agreement Between The City Of Centerville And The Kleingers Group For Professional Design Services For The Feedwire Road Improvements Project.
- I. Appointments to be made to the Tax Incentive Review Council, Greene County:
Belinda Kenley
John Beals
Brooks Compton, Alternate.

- J. Appointments to be made to the Tax Incentive Review Council, Montgomery County:
Belinda Kenley
John Beals
Brooks Compton, Alternate.
- K. Reappointments to be Made as Follows:
Sherry Leighty as a member of the City Beautiful Commission for three years.
Tom Wheeler as a member of the City Beautiful Commission for three years.

Mrs. Kenley seconded the motion for the Consent Agenda. The motion passed unanimously with six ayes.

PUBLIC HEARING: ORDINANCE NUMBER 11-13: REZONING .571 ACRES AT 9010 DAYTON-LEBANON PIKE FROM WT-B-2 TO CENTERVILLE B-2

Mr. Feverston gave the staff report for the rezoning of 0.571 acres at 9010 Dayton-Lebanon Pike from Washington Township, B-2 General Business to City of Centerville B-2 General Business. Mr. Feverston located the property on an aerial map at the southeast corner of Spring Valley Road and SR 48. He pointed out that the B-2 zoning is similar to its current zoning in Washington Township and similar to surrounding businesses. On September 10, 2013, Planning Commission approved a Major Site Plan for a Dunkin' Donuts on the premises and recommended approval of the rezoning to the B-2 zoning classification to Council.

Mr. Liberman noted that because the annexation is currently underway for this property and will not be finalized until the October Council Meeting, the ordinance becomes effective either 30 days after the annexation is accepted or 30 days after passage of this ordinance, whichever occurs last.

Mr. Beals made the motion to approve Ordinance Number 11-13, An Ordinance Amending Ordinance Number 14-08, Chapter 1216, The Unified Development Ordinance As Amended, To Rezone .571 Acres Of Land, More Or Less, Located At The Southeast Corner Of Spring Valley Road And State Route 48 Intersection From Washington Township B-2, To Centerville B-2, General Business Zone Classification. Mr. Compton seconded the motion. The motion passed with six ayes.

PUBLIC HEARING: APPEAL FILED BY JEFF ZIMMER, SHOPS OF NORTH VILLAGE WALL IN BUFFER YARD, 6230 FAR HILLS AVENUE

Mr. Feverston gave the background on Mr. Zimmer's Appeal of the decision of the Planning Commission requiring a screening wall in lieu of the required 10' buffer yard/parking and paving setback along the east property line of the Shops of North Village at 6230 Far Hills Avenue (the former KFC site) as a condition of the approval of the variances. A five foot bufferyard and a five foot parking and paving setback were two variances of six that were sought by the Applicant and approved by the Planning Commission. In addition, Planning Commission approved a Major Site Plan for the redevelopment of the site into a retail area having three small shops and a parking area with 46 spaces. The zoning of the property with its three frontages is B-2, General Business; the parcel is just under one acre in size. The three frontages created the

practical difficulties that Planning Commission considered when reviewing the variances. The Planning Commission approved all six variances, but several of the approvals were subject to conditions.

Mr. Feverston used an aerial view and photos of the site to show the parcel in question. A ten foot buffer yard and a ten foot parking and paving setback are required by the UDO. On July 30, 2013, the Planning Commission, with a 5-0 vote, granted the variance for the five foot bufferyard and parking and paving setback, subject to the following conditions:

1. The concrete screening wall along the east property line shall remain to screen commercial uses on the subject property from nearby residential uses to the east. The existing landscaping on the wall shall be removed and replaced subject to the approval of the City Planner.
2. Concrete curb buttressing at the base of the rock wall adjacent to Fireside Drive shall be repaired or replaced to its original condition subject to the approval of the City Engineer.

The Planning Commission felt that the wall would protect the residents in the apartments across Fireside Drive from the activity, noise and headlights of the commercial property that included a coffee shop drive-up window which would have extended hours of operation. In addition, this particular property serves as a gateway into the Village South neighborhood.

When Mayor Kingseed opened the public hearing, Ms. Kara Burkhardt Meineke, Burkhardt Engineering, 2331 Far Hills Avenue, Dayton, (speaking on behalf of Mr. Zimmer) came forward to voice concerns about the requirement to keep the landscaped retaining wall along the east boundary of the property. She presented to Council renderings of a landscape plan to be used in lieu of the concrete wall. She noted that none of the other properties along Fireside Drive was required to have a wall. Additionally, the wall does not fit the feel of the architecture of the new building. Mr. Zimmer has attempted to talk to the business owners and residents who are within 500 feet of his property. Everyone he contacted was in support of removing the wall. Ms. Burkhardt Meineke mentioned that several letters had been given to Council earlier from nearby business owners who were in support of removing the existing wall.

Discussion followed with regard to the different types of trees and shrubbery being proposed. Mr. Feverston explained that most of the properties along Fireside Drive were built in the 1970's, a time when there were no paving setbacks and no buffering requirements in the Zoning Code. In this case, Mr. Zimmer is redeveloping the site and is asking for a 5' variance. The Planning Commission concluded unanimously that they understood the need for additional parking, but by the same token, understood the need for buffering. They concluded that the owner either could keep the wall and replace the overgrown landscaping or put up a new wall with landscaping for the same net effect. Mr. Compton asked if the proposed landscaping plan would be acceptable in a 10' setback. Mr. Feverston answered in the affirmative. The issue is really whether it is a 5' or 10' setback.

Mr. Jeff Zimmer felt strongly about the landscaped appearance. He stated that he was putting up a beautiful building up and would like to remove the wall. He was willing to invest several thousand dollars more into landscaping, since he felt that was the more desirable option

Dr. Gresham moved to grant the appeal with the additional provision to coordinate a landscaping plan that is acceptable and approved by City staff. Mrs. Kenley seconded the motion. The motion passed unanimously.

Mayor Kingseed announced that a Special Council Meeting is scheduled for Monday, September 23, 2013 at 8:00 p.m. here in the Council Chambers of the Centerville Municipal Building.

There being no further business, the meeting was adjourned.

Approved: C. M. S. Kingseed
Mayor

ATTEST: Debra A. James
Clerk of Council