

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, April 16, 2012, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Pastor Chad Current and the Pledge of Allegiance to the Flag with Mayor C. Mark Kingseed presiding. Council Members and City Staff present were as follows:

Council Members     Deputy Mayor Brooks Compton  
                                   John Beals  
                                   Doug Cline  
                                   Paul Gresham  
                                   James Singer

Clerk of Council Debra James  
City Manager Gregory Horn  
Chief of Police Bruce Robertson  
Finance Director Steven Hinshaw  
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

Dr. Gresham moved to excuse Mrs. Kenley and Mr. Singer from the meeting. Mr. Beals seconded the motion. The motion passed with five ayes.

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

Council Meeting -             March 19, 2012.

Work Session Meetings -     March 19, 2012.  
   April 09, 2012.

Mr. Compton moved that the minutes of the foregoing Council Meetings, as distributed, be approved. Mr. Cline seconded the motion. The motion passed with five ayes. Dr. Gresham abstained from the vote of the minutes of March 19, and Mr. Beals abstained from the vote on the minutes of April 9, 2012.

Mrs. James announced the resignation of Martin Holzinger from the Arts Commission. She noted the receipt of Mr. Eric Sauer's appeal of a decision of the Planning Commission concerning signs at the Fiat dealership at 91 Loop Road. She announced that she had received a communication from the Clerk of the Montgomery County Commissioners requiring her to present a certified copy to Council of the entire record of the annexation proceedings of the Yankee Development Group annexation requesting annexation of 96.5 acres, more or less, from Washington Township, Montgomery County, to the City of Centerville. A Resolution to accept the annexation is under the Consent Agenda.

Mayor Kingseed and Mr. Horn commended and congratulated Chief of Police Bruce Robertson for his educational achievements. The Chief of Police recently earned

his master's degree in Security Studies from the Naval Postgraduate School and the U.S. Department of Homeland Security.

Mayor Kingseed administered the oath of office to Arts Commission member, Mary Scott. He thanked her for her willingness to serve.

The mayor congratulated new Eagle Scouts Shawn Collins, Alec Stackhouse, and Nathaniel Kinsella. He presented certificates of recognition to Shawn Collins and Alec Stackhouse who were present.

Mr. Steve Simpson of Athletes in Action was present to receive a proclamation concerning the Seventh Annual "Night of Champions" to be held in Xenia on May 12, 2012.

Mayor Kingseed welcomed Ms. Sally Blommel, Benham's Grove Administrator; Ms. Linda Brewster, President of the Friends of Benham's Grove; and Ms. June Ovington, Vice President. The three are working closely with Mrs. Gopman to organize events in celebration of the 20<sup>th</sup> anniversary of the opening of the Gerber House as a city-owned facility. The Friends of Benham's Grove received a proclamation declaring April 25, 2012 to be Founder's Day in the City of Centerville. A commemorative ribbon cutting and brunch will be held on Wednesday, April 25 at 10:00 a.m. at Benham's Grove.

Students participating in Youth in Government Day were present to be introduced to Council. They will be shadowing staff and holding a mock council meeting on Tuesday, April 24, 2012. The roles of the students participating in Youth and Government Day are as follows:

Mayor	Trisha Khambadkone
Deputy Mayor	Chris Hetrick
Councilmember	Andrew Cutshall
Councilmember	Mallory Reed
Councilmember	Alyssa LaRue
Councilmember	Anna Kick
Councilmember	Morgan Schneider
Clerk of Council	Sydney Pence
City Manager	Michael Clark
Assistant to the City Manager	Brianna Dicks
Assistant to the City Manager	Christine Perry
Director of Finance	Max Rinn
City Planner	John Gammell
Economic Development Administrator	Cassandra Harting
Human Resources Manager	Josh Scanlon
Chief of Police	Justin Steiner
Public Works Director	Natalie Nusinow
City Engineer	Nick Cashdollar
Golf Maintenance Superintendent	Megan Burkhardt
Head Golf Professional	Mitchell Young

Director of Food Service

Demetria Skipper

Mr. Singer entered the meeting at this time.

Mayor Kingseed noted the following in the Mayor's report.

Mr. Kingseed asked Mr. Beals to read the proclamation designating April 18, 2012 as Arbor Day in the City of Centerville. The Arbor Day event will be held this year at Benham's Grove at 10:00 a.m., and the public is invited to attend. The City has been recognized as a Tree City USA by The National Arbor Day Foundation for 26 consecutive years.

Deputy Mayor Compton read the proclamation issued by Mayor Kingseed designating the week of May 7 to May 10, 2012, as Operation Clean Sweep Week.

Mr. Horn included the following in the City Manager's Report.

The City is getting ready for some major paving projects this year in cooperation with the Ohio Department of Transportation. Included are widening of Feedwire Road, paving State Route 48 from Alex-Bell Road north, and paving Spring Valley east of S.R. 48.

Mr. Horn announced opportunities for cleaning out unwanted items: Community Shred Day and Electronics/Computer Recycling Day on May 5 and Operation Clean Sweep from May 7-10, 2012 on regular trash collection days.

Yankee Trace is off to a tremendous start due to the warm spring weather. Last year, the golf club had its challenges due to weather, but Yankee Trace had the best March in nine years.

He pointed out the contributions of two former mayors, Shirley Heintz and Sally Beals, in the establishment of Benham's Grove as a city facility. He also noted that three of the members of Council are still here as the City is celebrating 20 years in the facility. Council Members who were here during that time were Mayor Kingseed, Deputy Mayor Compton and Councilman Singer. To celebrate a 20<sup>th</sup> Anniversary of a major community milestone and have three Council Members still serving on City Council is unusual. He congratulated the three of them.

Mr. Cahall gave the statistics on Code violations and corrections for March, before presenting the Community Calendar for the remainder of April and for May. He then reviewed items such as the citywide garage sale, Clean Sweep Week, the twentieth anniversary events at Benham's Grove, the Farmers Market which will open on May 17, Yankee Trace events, and recycling opportunities.

Mr. Cline reminded everyone of the event scheduled for Friday, May 11 from 6-9 p.m. for a Battle of the Bands that is being sponsored by the South Suburban Coalition on Drug and Alcohol Awareness in an effort to bring all of the South Dayton Communities together at the Fairmont High School for an alcohol and drug-free event led by the students. The students from West Carrollton, Oakwood, Miamisburg, Fairmont, Alter and Centerville are involved. In the event of rain, the Battle of the Bands will be moved indoors to the Trent Auditorium.

Mayor Kingseed explained that the Consent Agenda contains procedural and administrative matters which the Council has discussed in Work Sessions. Approval of

these issues will be as a group with one motion being made. Council Members took turns reading the Consent Agenda items into the record, before Mr. Compton sponsored the following Consent Agenda items and moved for their approval.

- A. Resolution Number 16-12, A Resolution Accepting The Annexation Of 96.5± Acres Of Property From Washington Township To The City Of Centerville.
- B. Resolution Number 17-12, A Resolution Authorizing And Directing The City Manager To Enter Into An Economic Development (PIR) Grant Agreement With Total Quality Logistics, LLC.
- C. Resolution Number 18-12, A Resolution By The Centerville City Council Extending For A Period Of 180 Days The Moratorium On The Granting Of Any Permits Allowing The Operation Of Sweepstakes/Internet Cafés Within The City of Centerville.
- D. Resolution 19-12, A Resolution Authorizing And Directing The City Manager To Grant A Pipeline Right Of Way And Easement To Vectren Energy Delivery Of Ohio, Inc. For The Right Of Way And Easement For Any And All Purposes Related To A Gas Pipeline Located At Bethany Lutheran Village.
- E. Resolution 20-12, A Resolution Authorizing The City Manager, On Behalf Of The City Of Centerville, To Enter Into An Agreement With David McBride For Plan Examination.
- F. Reappointments as Follow:
  - 1. Kera Estep to the Arts Commission for three years.
  - 2. Debbie Schmidt to the City Beautiful Commission for three years.
  - 3. Jim Brunner to the Planning Commission for four years.
  - 4. Pam Cima to the School District Personnel Appeals Board for three years.
  - 5. Judy Budi to the School District Personnel Appeals Board for three years.

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

#### PUBLIC HEARING: ORDINANCE NUMBER 04-12 REGULATING INTERNET SWEEPSTAKES CAFES IN THE CITY OF CENTERVILLE

Mr. Liberman explained that Council has been talking about internet sweepstakes cafés for quite some time; a moratorium is still in place. The Planning Commission has recommended legislation to Council, but in the last couple of weeks a State Senator has proposed Senate Bill 317 which is yet another attempt to regulate these internet sweepstakes terminals statewide. Since the City might not have to pass its own regulations in order to restrict these devices, Mr. Liberman recommended opening the Public Hearing and tabling the Ordinance until a future time.

Dr. Gresham moved to table Ordinance 04-12, An Ordinance Establishing Section 9.57, Computerized Internet Sweepstakes Cafés, In Article Nine, Part Four Of The Centerville Municipal Code, The Unified Development Ordinance For The City Of Centerville, Ohio, pending further action from the State. Mr. Beals seconded the motion. The motion passed with six ayes.

**PUBLIC HEARING APPEAL OF THE DECISION OF THE PLANNING COMMISSION - ERIC SAUER, FIAT SIGN VARIANCES, 91 LOOP ROAD**

Mayor Kingseed explained that an appeal was filed by Mr. Eric Sauer against a decision of the Planning Commission of February 28, 2012 for property located at 91 Loop Road on behalf of the Fiat dealership which is owned by Bob Ross Motors. Requested was a variance of 8.8 square feet of signage for a directional sign which the norm is 4 square feet. The second variance requested permission for a fourth wall sign in order to reuse a "Certified Pre-owned Sign". The norm is for three signs.

Deputy Mayor Compton recused himself because of a potential conflict of interest.

Mr. Cahall gave the staff report and showed pictures of the conceptual building elevations that were approved by the Planning Commission for the redevelopment of the site. One picture showed that the Fiat dealership would have the maximum of three wall signs on its building frontage. In looking at this request the Planning Commission did not see any practical hardship or difficulty in adhering to the zoning code. The applicant is requesting in addition to the front three signs that a "Certified Pre-owned Sign" and "Service Sign" would be located on the west side of the building.

Mr. Eric Sauer, CYP Studios, 630 Kentshire Court, talked about the two variances separately, beginning with the service sign, which is directional signage on the building. He passed a handout to Council to show a service sign similar in size on the recently renovated Mercedes dealership. This service sign is actually 2' x 2' on a single face or 4 square feet. Mr. Sauer stated that the code severely limits signs of any scale. He stated that customers at the Mercedes dealership are having trouble finding their way to the service area. With this appeal the Applicant is asking for lettering 17 inches in height on the directional sign. In addition to failing to see hardship, the Planning Commission indicated that its hands were tied because they must follow the regulations of the Unified Development Ordinance. They suggested that he ask Council to look at the standards if Council chose to grant a variance.

The second variance involves moving the "Certified Pre-owned Sign" that is currently on the north face of the building to a side entrance. One of the challenges for building owners is signing a building with multiple tenants. In addition, national and international automobile corporations also have fairly strict standards of what is required on the building. In this case, Fiat is requiring two Fiat emblems and the dealership name to be on the front face of the building. Mr. Sauer said that the City's sign code is so restrictive that it does not give staff or the Planning Commission any kind of flexibility to look at unique situations. In this particular case, the square footage that is allowed is 127 ½ square feet; Fiat's request for signage totals 107 square feet for the four signs. Mr. Sauer

said that they were trying to make sense of how the building functions while staying under the limit on area.

Staff is concerned because extending signage to a second wall is not permitted in our code. Overall staff felt much more comfortable with the service sign than the "Certified Pre-owned Sign". In this particular case it was noted that the new wing wall that will hold the Fiat Emblem will somewhat screen the signage on the west wall of the building.

Mr. Cline moved to approve the Appeal filed by Mr. Eric Sauer against a decision by the Planning Commission for property located at 91 Loop Road (for the Fiat Dealership) for two variances. The first variance request is for an 8.8 square foot signage as a directional sign, and the second variance requests permission for a fourth wall sign in order to re-use a "Certified Pre-owned sign". Mr. Singer seconded the motion. The motion passed unanimously. It is Council's intent for Staff to work with the Planning Commission to examine the signage issue. Mr. Sauer offered his expertise, as a signage and planning professional, to help Staff with his input.

Mr. Compton re-entered the meeting at this time.

There being no further business, the meeting was adjourned.

Approved: C. Mark Keyser  
Mayor

ATTEST: Debra A. James  
Clerk of Council