

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, June 18, 2012, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Mr. Singer and the Pledge of Allegiance 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
 Belinda Kenley
 James Singer

Clerk of Council Debra James
Acting City Manager 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 - May 21, 2012.

Work Session Meetings - May 21, 2012.
 June 4, 2012.
 June 11, 2012.

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

Mrs. James announced the resignation of Bill Burns from the Arts Commission. The Clerk's Office also received a request from Mr. Walt Minch that the rezoning of about 63.939 acres at Paragon Road, Social Row Road and Sheehan Road, Item 17.C under Old Business on the Council Meeting agenda on this date, be tabled.

Because of the large number of people who were interested in the rezoning, Mayor Kingseed moved item 17.C to the top of the agenda. He read the title of the proposed rezoning into the record as follows: An Ordinance Amending Ordinance Number 14-08, Chapter 1216, The Unified Development Ordinance As Amended, To Rezone A Total Of 63.939 Acres Of Land, More Or Less, Located North Of Social Row Road, West Of Sheehan Road And East Of Paragon Road From R 1-c, Single Family Residential With A NR, Neighborhood Residential Overlay Zone Classification, To O-PD, Office Planned Development With A NC, Neighborhood Center Overlay Zone Classification In The Southern 25.426 Acres: and to R-PD Residential Planned Development with A NR, Neighborhood Residential Overlay Zone Classification In The Northern 38.514 Acres. When Mayor Kingseed opened the public hearing, Mr. Compton made a motion to table the matter to the City Council Meeting of July 16, 2012. Mrs. Kenley seconded the motion to table. The motion passed with seven ayes.

Mayor Kingseed invited Dr. Michael Krumnauer and his family to the podium to receive the 2012 Board of Architectural Review Preservation Award for Excellence in Stewardship for his property at 44 South Main Street. Board members Amy Korenyi-Both, Frank Holloway and Brad Thorp joined the Mayor and Mr. Feverston in presenting a framed pen and ink drawing of the property and a certificate. The Board of Architectural Review announced plans to present an annual award for stewardship, new construction or renovation in the Architectural Preservation District in order to encourage owners to preserve the buildings, the atmosphere and the heritage of the downtown area. Mayor Kingseed noted that many businesses do extra work to make the historic downtown the gem that it is.

Greeted by the Mayor and Maureen Russell Hodgson, Centerville High School art students of Sarah Puckett displayed the projects they had done for the City at the end of the school year. Mackenzie Russo and Shannon Williams painted scenes of Benham's Grove, while Chip Jeckering painted a wood panel with an opening for a child's face for the Centerville Police Department. Mayor Kingseed presented certificates of appreciation to Ms. Russo and Ms. Williams who were present for the meeting. Wilma Havard of the Centerville Garden Club that maintains the herb garden at Benham's Grove also thanked the students for their efforts.

Mr. Cahall introduced Chris Martin and Jackie Schroeder, graduate students in Public Administration at Wright State University, who had compiled a Capstone Project exploring Joint Economic Development Districts for Centerville and the surrounding townships. They looked at the best practices for JEDDs. Mr. Martin noted that collaborative efforts for inter-local partnerships can be beneficial to both sides. He recommended simplicity in the contract. Ms. Schroeder thanked Council for the opportunity to put together the report. Mayor Kingseed gave each of them a certificate of appreciation.

Mayor Kingseed read a certificate of recognition for Peter Gordnier, who recently attained the rank of Eagle Scout. For his project, Peter Gordnier constructed and installed benches beside the tennis court at Greene Line Park for the Centerville Washington Park District. Mayor Kingseed extended his congratulations.

Mayor Kingseed presented certificates of recognition to Katie Stemmer and Maggie Stacey who recently earned Girl Scout Gold Awards. At TJ's Place of Hope, Katie Stemmer ran a program building confidence for teenagers. Maggie Stacy's project was organizing four seasonal festivals for Sterling House Retirement Home. The girls expressed gratitude for being invited to Council; many people are not aware that the Gold Award is comparable to the Eagle Award for Boy Scouts. Emilia Zywot also earned the Gold Award but was not able to attend.

Dr. Hinshaw introduced Mike Spafford, a graduate student in Public Administration at the University of Dayton, who is interning in the City Manager's Office this summer. He is doing special projects for the City.

On behalf of the City Beautiful Commission Mrs. Jan Prettyman presented a plaque and a gift certificate for Yankee Trace to the June Business Pride Award winners, Jennifer Coppess and Michele Farash of UN-Hinged, Ltd., 26 East Franklin Street. UN-Hinged, Ltd. features unique home decor.

After encouraging residents to nominate residential award winners for July and August, Mrs. Prettyman named the residential Summer Landscape Award winners for June as follows:

Barb Sullivan
6944 Crossbrook Drive

David and Judy Hetzer
760 Kentshire Drive

Bill Danley
1360 Scenic View Court

Dave and Jen Klosterman
285 Cherry Drive

David and Lavonne Warner
121 Marsha Jeanne Way

Timothy and Dawn Jackson
910 Vintage Lake Court

Vickie Miller
62 Coachman Drive

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

He thanked the businesses in the Heart of Centerville for the efforts to present the Taste of Centerville, an evening event featuring over twenty restaurants, extended shopping hours and music. He encouraged everyone to take advantage of the activities planned downtown for the third Friday of each month during the summer.

He explained that Joint Economic Development Districts share resources, work jointly for economic development and share tax revenues. At this time when state funding cuts require cities and townships to find additional revenue sources, JEDDs could offer opportunities. The mayor invited Washington Township and Sugarcreek Township to join the City of Centerville in looking at the possibilities for making use of this important tool.

Dr. Hinshaw included the following in the City Manager's Report:

He publicly thanked Montgomery County for monitoring the bridge on Overbrook Road and replacing it with a concrete culvert at the appropriate time with minimal traffic disruption.

Some of the Centerville streets which will be under construction in the next weeks include North Main from Loop Road to Whipp Road (for 2-6 weeks), North Village Drive, New England Avenue, Ambridge Road and Applecreek Road.

On tonight's agenda is an income tax uniformity resolution that is a way to be proactive and avoid legislation from the state that would dictate centralization at the state level the collection of local income taxes. Southwest Ohio is leading the way to standardize forms in hopes that other areas of the state will join the effort.

He noted that the Sunday evening concerts sponsored by the Arts Commission at Stubbs Park have been well attended. He encouraged residents to attend.

Mr. Cahall gave the statistics on Code violations and corrections for May, before presenting the community calendar for the remainder of June and for July. He reviewed items such as the Farmers Market, Americana Festival details, the anniversary of Benham's Grove, the art exhibit at the Police Department, the summer concert series sponsored by the Arts Commission, photography seminars, Yankee Trace opportunities, Public Works activities, recycling resources, and board and commission openings.

In Standing Committee Reports, Mrs. Kenley noted that she had attended a reception for glass artist Jim DeLange at the Police Department and encouraged residents to visit the beautiful exhibit. Mr. Beals shared that Mr. Don Spang, longtime director of Miami Valley Regional Planning Commission, is retiring.

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 Dr. Gresham sponsored the following items and moved for their approval:

- A. Ordinance Number 11-11, An Ordinance Amending Section 1062.23 Of The Centerville Municipal Code Regarding Parks And Recreation, be set for Public Hearing on July 16, 2012.
- B. Ordinance Number 12-12, An Ordinance Amending Section 618.01 Of The Centerville Municipal Code To Address Animals Running At Large, be set for Public Hearing July 16, 2012.
- C. Resolution Number 25-12, A Resolution Authorizing The City Manager To Enter Into An Agreement For Electric Generation Supply With A Competitive Retail Electric Service Provider.
- D. Resolution Number 26-12, A Resolution Declaring The Intent And Resolve Of The Centerville City Council To Enact Uniform Provisions In The City Of Centerville's Tax Ordinances Upon Revision Of Chapter 718 Of The Ohio Revised Code.
- E. Resolution Number 27-12, A Resolution Ratifying The Action Taken By The City Manager To Submit Two Applications To The Montgomery County Board Of Commissioners For Community Development Block Grant Funding.
- F. Performance Bond Reduction – The Highlands at Yankee Trace, Section 2, (\$40,328.50 to \$11,800.00).
- G. Appointment to be Made as Follows:
Tom Bankston to the Arts Commission for a term of three years.
- H. Reappointments to be Made as Follows:
Sue Butler to the Arts Commission for a term of three years.
Paul Clark as Chairman to the Planning Commission for one year.
Dan Carfagno as Chairman to the Property Review Commission for one year.

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

PUBLIC HEARING: EMERGENCY ORDINANCE NUMBER 08-12, REZONING 96 ACRES OF RECENTLY ANNEXED LAND AT SHEEHAN ROAD AND SOCIAL ROW ROAD

Mr. Feverston gave the staff report for two pieces of legislation related to the rezoning of 96.5 acres recently annexed from Washington Township. The agenda included an emergency ordinance and a regular ordinance for the property so that the rezoning could take effect immediately. The City proposed to rezone the entire area from Washington Township Agricultural and Washington Township Special Use to City of Centerville A, Agriculture District. The Planning Commission reviewed the proposed rezoning at its May meeting and unanimously recommended approval. Mr. Feverston enumerated the standard criteria for judging the merits of a rezoning request as found in the Unified Development Ordinance. He named the current uses of the parcels in the area and showed the proposed rezoning map.

When Mayor Kingseed opened the public hearing, Steve Rura, 9755 Sheehan Road, stated that he did not understand why the City would rezone this parcel that is across from The Trace (item 17.C) as agricultural when some existing uses were already more intense. Mr. Feverston stated that the whole area was originally purchased by Washington Township as potential park land. Other uses have been permitted, such as the updates to the bus barn, the site for a future primary school, the waste transfer station and the Montgomery County water tower. Mr. Feverston explained that all the uses would be legally conforming for the Centerville A zoning district except the bus barn which would require an industrial zoning. He felt it would be better for the bus barn to be legally non-conforming than to have spot zoning for an industrial area across from residential areas.

Mr. Louis Ducheneau, 921 El Kenna Court, asked if the purpose of annexing and rezoning the land in question was to prevent the township from using its own land for its own purposes. The mayor denied that intention on the part of the City.

Mr. Cline asked where the land for the school would be and clarified that no zoning change would have to be made at that time. Mr. Feverston stated that a school would be allowed in an agricultural district.

Charles Raybold, 10370 Sheehan Road, stated that part of the annexed land was the site of hazardous lead from skeet shooting that had taken place from 1940-1954 when Moraine Products (GM) owned the property. Steve Rura, member of Greene County Fish and Game Association, agreed that the area should be mined for lead and the area ameliorated.

Mr. Compton sponsored Ordinance Number 08-12, An Emergency Ordinance Amending Ordinance Number 14-08, Chapter 1216, The Unified Development Ordinance As Amended, To Rezone 96.5 Acres Of Land, More Or Less, Located East Of Sheehan Road, North Of Social Row Road And Being Multiple Tracts Of Land, From Washington Township Agriculture And Washington Township Special Use, To City Of Centerville A, Agricultural District, Zone Classification, and moved that it be passed. Dr. Gresham seconded the motion. The motion passed unanimously.

PUBLIC HEARING: ORDINANCE NUMBER 09-12, REZONING 96 ACRES OF RECENTLY ANNEXED LAND AT SHEEHAN ROAD AND SOCIAL ROW ROAD

Mayor Kingseed read the title of the regular ordinance and reiterated that the rezoning includes nine different parcels. He opened the public hearing and seeing no one come forward the public hearing was closed. Dr. Gresham sponsored Ordinance Number 09-12, An Ordinance Amending Ordinance Number 14-08, Chapter 1216, The Unified Development Ordinance As Amended, To Rezone 96.5 Acres Of Land, More Or Less, Located East of Sheehan Road, North Of Social Row Road And Being Multiple Tracts Of Land, From Washington Township Agriculture And Washington Township Special Use, To City Of Centerville A, Agricultural District, Zone Classification, and moved that it be passed. Mr. Beals seconded the motion. The motion passed unanimously.

Citizens Comments and Petitions.

Mr. Lynn Rogers, 10239 Paragon Road, pointed out the criteria for rezoning shared by Mr. Feverston related to the rezoning of the 96.5 acres should also apply to the rezoning of Sheehan, Social Row and Paragon. He stated that the rezoning of the 65 acres at The Trace across Sheehan Road must be a done deal because a water meter was installed on a southern corner of the property this week. In reference to the call for township cooperation on JEDD's, he pointed out that the issue of Tax Increment Financing in Sugarcreek Township is being decided by the Ohio Supreme Court. He felt that it would be unlikely that Washington Township would cooperate on the same thing when Centerville just stole this 95 acres.

Steve Rura, 9755 Sheehan Road, asked for a copy of the work of the graduate students on JEDDs. Dr. Hinshaw asked him to call the City; Mr. Cahall stated that he would post the report on the website when he received an electronic copy from the students. The mayor declared he had been open to JEDDs for his entire tenure. He said that the city and the township should work together to provide the services required without the creating an onerous tax burden for either entity. Steve Rura disagreed, saying he preferred higher taxes if that would keep the area residential.

Louis Duchesneau quoted sections of the Unified Development Ordinance and the Long-Term Comprehensive Plan in relation to the rezoning of The Trace at the July 16 meeting.

Donna Berner, 618 Byrd Court, stated as a fact that the mile from Kroger to Wilson Brick and Block is all residential except for the school. She asked that the standards for rezoning be applied to The Trace rezoning because more than 50% would favor not rezoning. She voiced concern that during the work sessions Council members had not discussed the rezoning, "as if your minds were already made up." Mayor Kingseed stated that the council members cannot give their opinions before the public hearing and that a decision has not been made. In the discussion that followed there was confusion whether the speaker was referring to the rezoning of The Trace or of the newly annexed land east of Sheehan. Mrs. Berner requested that City Council members explain the reasoning for their vote at the public hearing for the rezoning of The Trace.

Mary Wyke, 10239 Paragon Road, stated she was familiar with outside sales. A prospect must see the value of the product to pay the price. The City of Centerville has a valuable area and residents put a value on life at Yankee Trace. She did not feel that the proposed development would enhance the area, but rather would blemish the community, detracting from value.

Teresa Hiatt, 10505 Wallingsford Circle and a resident of Washington Township, asked how long this proposal had been in the works. Mr. Cahall answered that the first concept plans were shared with City Staff around the beginning of the year and that there was a Work Session between City Council and the Planning Commission in February to gauge early reaction to the concept. Mrs. Hiatt noted that before buying her home in the spring of 2011, she had called the City Planning Department and was assured that there were no plans for more than two residences per acre in the neighborhood with only the possibility of the daycare at Social Row and Yankee. She voiced concerns about the loss of property values, staff bias for the developer and closed door deliberations.

Mayor Kingseed pointed out that citizens' input is one part of the decision making process. The request of the developer, the rights of the property owner and the recommendation of staff are others. Council's job is to sift through all of the information and make a decision on the rezoning of the property. If a property is rezoned, the next stage would be that the developer would have to go back to the Planning Commission and file a preliminary development plan. The process is actually a very good democratic process in which everything is done in public and there are multiple layers of reviews and hearings.

Mrs. Hiatt asked the Council Members to consider what they would like to see coming out of their own front doors.

Bill Brogan, 1234 Waters Edge Drive, an 8-year resident of Yankee Trace and a thirty plus year resident of the community, urged Council to concentrate its efforts on filling and improving the vacant properties in the community. He commended the Council and staff for the wonderful job building the golf course community and asked Council to consider quality of life instead of dollars for the City.

Martha Gardner, 10000 Sandwedge Court in the Highlands at Yankee Trace, voiced concern for consideration of the gas line along the rear lot line of properties on Sandwedge Court as plans are made. She also had been told that there is a wetlands area with small streams nearby. She asked that the appropriate studies be done before the decision on the rezoning.

Ms. Gardner also pointed out that she did not want new development to be in competition with the 30 remaining homes that are proposed to be built in the Highlands at Yankee Trace. A sales person for Mr. Simms had told her that there is an informal agreement that the homes in the new development will not be built until the homes currently platted in Yankee Trace are sold. She expressed concern about where and when that agreement was reached.

Mayor Kingseed pointed out that the City has worked diligently to notify people of meetings. When staff received the request for the rezoning hearing to be tabled, the City

contacted the SPRIG group, put the notice on the website, and contacted the Yankee Trace Homeowners Association.

Ms. Gardner asked who owned the property being rezoned. Mr. Cahall answered that the Yankee Development Group is an investment group of doctors and retired doctors, some with more shares than others.

Diane Wysong, 664 Legendary Way, emphasized she would like to see the 63-acre parcel remain residential. She expressed the lack of confidence that some citizens have regarding the conversations that might be taking place “in Chambers.” During the Planning Commission meeting that reconsidered and voted for the rezoning, citizens spoke with valid arguments, but the Planning Commission voted without discussion to recommend the rezoning to Council. She asked Council to listen to both sides, to keep an open mind and not to vote on July 16, the night of the public hearing, but to take time for consideration of all the arguments.

Mayor Kingseed assured Mrs. Wysong that all meetings and work sessions are public meetings.

Mike Hild, 550 Legendary Way, expressed his dissatisfaction with the proposed development. He noted that the body language in Council Chambers has told him that residents don't matter and the rezoning is a done deal. He accused the City Planner of being the biggest cheerleader for the developer. While Mr. Feverston is supposed to be representing the citizens of Centerville to the Council, but he is promoting the project. Mr. Hild stated that he purchased his property because of the beautiful view, but the view will change to bright lights and luxury apartments. Mr. Hild questioned the fiscal stability and solvency of the developer saying he had started several other projects in the Dayton suburbs that never came to fruition. Mr. Hild inquired if there would be a bond to cover rehabilitation of the property if the group should go bankrupt.

Mayor Kingseed pointed out that the responsibility of Mr. Feverston and staff is to analyze the application and make a recommendation. City Council makes the final decision. City staff recommended the rezoning to the Planning Commission, but hasn't recommended the preliminary development plan to Council at this point. He reiterated that staff members are doing their jobs, and nothing improper is being done.

Jack Wysong, 664 Legendary Way, stated his displeasure with the kinds of businesses and activities that could go into the rezoned area. He encouraged Council to weigh matters carefully before rezoning the property. He suggested consideration of the effect of the rezoning on property values, traffic, and pollution. He requested marketing studies prior to the decision on rezoning.

Tim Mach, 1401 Stoneash, travels Social Row Road every day. He said that he often sits in traffic for 10 – 20 minutes at 5:00 p.m. at the intersection of Yankee Street/Social Row and Austin Road. Sitting in traffic is not a very warm and cheerful experience. He doesn't think this rezoning meets the intent of *Create the Vision* for Centerville and Washington Township.

John Miller, 1035 Wild Hickory Lane, Waterbury Woods, as the representative of a “smart citizenry” who saw that “the fix was in”, alleged that Council Members were receiving money and campaign contributions for their support of the rezoning for the Trace. He pointed

out that ultimately the decision needed to be made with transparency and full disclosure—and that included money. He said that citizens would like to know what money is moving into campaign finances. Mayor Kingseed responded strongly that the allegations were without foundation and that campaign finance reports are public information.

Mr. Miller then questioned whether there is or is not a plan for the development. He had heard conflicting things. He stated that, if the area needs to be rezoned, the City must know what is in the plan. Mayor Kingseed explained the evolution of the development plan. Early in the year, a general concept for the area was considered by the Planning Commission and the Council in an open work session meeting. The developer took comments and began to prepare early tentative plans in the hopes that the rezoning would occur. In April, a preliminary development plan was tabled by the Planning Commission until the rezoning could be settled. In an ideal situation the preliminary development plan would progress to a detailed final development plan with a second set of public hearings.

When Mr. Miller expressed bewilderment that in the course of a week, Planning Commission changed its votes concerning its recommendation of the rezoning to Council, Mayor Kingseed asked if he was aware that the developer had made a modification to the rezoning request addressing what the Planning Commission had stated as its major concern—the possibility of retail areas north of El Kenna Court. Mr. Miller requested that residents hear individually from each Council Member as they vote on July 16, in order to know the basis of the decision.

Jack Wysong, 664 Legendary Way, stated that he understood that the reports would be given during next month's meeting. He questioned how one could read those reports and make a decision that same night. Mayor Kingseed explained that typically information comes in a packet before the Council Meeting to allow time for review by the Council Members.

Lynn Rogers, 10239 Paragon Road, suggested that Washington Township and Sugarcreek Township have reasons for not wanting to work with the City. The City just stole 95 acres through the annexation.

Mayor Kingseed replied that he would be more than happy to talk to the Trustees because he had been trying to do a JEDD with them for ten years, but they had not responded. He said that Council has to do what it needs to do to protect the citizens of Centerville. The Council has not raised taxes and does not want to raise taxes now. Centerville has protected its citizens by fostering economic growth. It ought to be done cooperatively – the Township Trustees and City Council – with Joint Economic Development Districts. Lacking that cooperation, Centerville is going to do what is needed in order to have the City be prosperous and so we don't have to raise taxes on the citizens of the community. The Township government (and it is their right) has decided not to cooperate on JEDDs. As an alternative, the City has options where it can expand in certain circumstances. And when the circumstances are right, if we can't get the Township to cooperate with us, I am not going to apologize for taking steps fully consistent with the law to protect the residents in Centerville. That's my job and I think it is necessary to be done.

He noted there is tension between the City and the Township, and there always has been. He urged citizens to contact the Township Trustees to encourage them to consider taking a hard

look at Joint Economic Development Districts. He said that at some point after many years, even someone who is pretty optimistic like he is, has finally decided that the Trustees are never going to do this. Therefore we had to take certain steps unilaterally because that was the only way we could get done what needed to be done. That was the rationale and I understand that you will have a different perspective, but that was why the City annexed that land.

When Mr. Rogers asked how much tax revenue had to do with the decision to rezone the sixty-five acres away from two units per acre, Mayor Kingseed responded he did not feel that it had a direct bearing. If the area would be developed as single family residential there would be income tax receipts that would be received. If it would be developed in a more dense fashion, more people would probably be in the retirement phase without earned income. Overall, there may be more tax revenue, but that is not a direct factor.

The Planning Commission made the judgment that the rezoning made sense. They believed that the rezoning was consistent with proper planning and that the development would be a good addition to the City. Although they have the right to make that recommendation, the City Council makes the final decision. The mayor stated that he understood that there was a perception that the Planning Commission had not listened carefully to the people at the meeting. When Mayor Kingseed asked Mr. Rogers if he felt the Council had listened, Mr. Rogers answered in the affirmative.

Mr. Rogers brought up the expenses of the developer for this property. Building a subdivision with two units per acre would be difficult for any developer to build in a financially viable way, because of the responsibility of the developer to improve the roadways surrounding the property. Mr. Rogers asked if the developer would be asking for Tax Increment Financing to pay for required infrastructure and roadways. Mr. Cahall answered in the negative and explained why he did not believe that a TIF would be appropriate for the rezoned area.

There being no further business, the meeting was adjourned.

Approved: C. Mark Kingseed
Mayor

ATTEST: Debra James
Clerk of Council