

RECORD OF PROCEEDINGS

Minutes of COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held August 18

20 08

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, August 18, 2008, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Pastor John Bradosky and the Pledge of Allegiance to the Flag, with Mayor Mark Kingseed presiding. Councilmembers and City Staff present were as follows:

Deputy-Mayor	Doug Cline
Councilmembers	Brooks Compton
	Paul Gresham
	Belinda Kenley
	James Singer
Assistant Clerk of Council	Julia Weaver
City Manager	Gregory Horn
Finance Director	Mark Schlagheck
City Engineer	Douglas Spitler
Operations Manager	Mary Lou Pence
Assistant to the City Manager	Jennifer Wilder
Assistant to the City Manager	Kristen Gopman
City Planner	Steve Feverston
Economic Development Administrator	Nathan Cahall
Municipal Attorney	Scott Liberman

Mr. Cline moved that Mr. Beals be excused from the meeting. Dr. Gresham seconded the motion, and it passed with five ayes. Mr. Singer represented the City of Centerville at tonight's Washington Township Trustees' meeting, in order to congratulate the Washington Township Fire Department for attaining national accreditation.

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

Council Meeting	July 21, 2008.
Work Session Meetings	July 21, 2008.
	August 4, 2008.
	August 11, 2008.

Mr. Compton moved that the minutes of the foregoing meetings, as distributed, be approved. Mrs. Kenley seconded the motion. The motion passed with five ayes.

Mayor Kingseed welcomed Julia Maxton of the South Metro Chamber of Commerce. She presented the City of Centerville an award expressing appreciation for the ongoing support the City has given the Chamber. She explained the role of the South Metro Chamber as an advocate for businesses in the area. Her office also sponsors a leadership academy at Centerville High School which helps students who are interested in a career in business to network with area enterprises.

Mayor Kingseed presented certificates of congratulations to Mr. Chris Hsu and Miss Stephanie Hsu, siblings from Dayton Christian Schools, who received Superior ratings on projects at the State Science Day held at The Ohio State University on May 10, 2008.

He administered the oaths of office, congratulated and thanked the following individuals:

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Arts Commission: Walt Smucker, Ginny Strausberg and Robert Waker.
 Sister City Committee: Christine Quijote-Oakes.
 Stormwater Drainage Task Force: James Pavliga.

Mrs. Roberta Goodrich announced the Business Pride Award Winners. The two companies that received plaques for the month of August are Hillside Court Apartments at 920 Great View Circle, and China Cottage at 6290 Far Hills Avenue.

Mrs. Goodrich also announced the August residential Summer Landscape Award Winners as follows:

Carol & Tom Baker 1111 Club View Drive	Sandra & Mike Kline 7415 Forest Creek Drive
JoAnn & Tom Spangler 212 Prague Court	Bev & Terry Cole 170 Laurel Oak Drive
Vicki & Ronald Kuhn 300 Shawnee Trail	Doris & Don Schneider 2537 Marscott Drive
Maura & Robert Dashewich 974 Hyde Park Drive	

All the Residential Summer Landscape Award Winners will be invited to attend the September Council meeting to be honored with the presentations of awards.

During the Mayor's Report, Mayor Kingseed noted the following:

He extended congratulations to the Washington Township Fire Department on receiving national accreditation.

He announced that signatures were submitted today to the Board of Elections for certification so that the issue of forming a Merger Study Commission can be on the November ballot. Each Councilmember present made a statement explaining why he or she is in favor of going forward with the merger study process.

Mr. Singer entered the meeting at this time.

Mayor Kingseed stated a commitment to answer questions and offered to debate in public forums in order to get the facts before the voters.

At the Mayor's request, Mrs. Kenley read a proclamation declaring August 24 through August 30, 2008, to be "Elk Week" in the City of Centerville.

Mr. Horn reported the following in the City Manager's Report:

Work is nearly finished in the Black Oak South/Brainard Woods area: underdrains were installed and curbs were repaired.

Upgraded signage is still needed at the intersection of SR 48 and Alex Bell Road. Some of the new lanes have not been opened yet.

The enhancement project has begun at the I-675/SR 48 interchange in order to make this gateway to the community visually more attractive. A grant from the Ohio Department of Transportation is helping to pay for the decorative pillars and the new fencing along the bridge.

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Mr. Horn thanked Steve Feverston and the others who have worked diligently to reach agreement with the landowners and representatives of Kroger Marketplace, so that Council would be able to take action.

He asked motorists to be watchful of buses and walking youngsters with the start of the new school year.

Mrs. Gopman outlined code violations and their resolutions for the month of July, 2008, as well as the community calendar for the coming month.

During the Standing Committee Reports, Dr. Gresham encouraged residents to attend the production of Macbeth at Stubbs Park on Friday, August 22nd or Saturday, August 23rd.

Mrs. Kenley noted that the Sunday evening concerts at Stubbs Park have been well done and well received. She encouraged everyone to attend the remaining events.

Mr. Singer explained what accreditation means to the Washington Township Fire Department. The Department has set strategic objectives which guide planning and evaluation for the future. Only six fire departments in Ohio have national accreditation; both our police and fire departments are now fully accredited on the national level. Fire Department representatives will be invited to a future Council Meeting for recognition in Centerville.

Mayor Kingseed explained that the Consent Agenda contains procedural administrative matters that have been discussed during Council Work Sessions. Approval of these issues will be as a group with one motion being made. Councilmembers read aloud the titles of the Consent Agenda items before Mr. Cline moved that the following legislation be passed:

- A. A Resolution Ratifying The Action Of The City Manager In Executing A Personal Services Contract With Strategic Public Partners, Inc. For The Management Of Independent Contractors To Serve As Circulators Of Petitions For A Ballot Initiative Authorizing A Merger Study Between The City Of Centerville And Washington Township.
- B. A Resolution Authorizing The City Manager, On Behalf Of The City Of Centerville, To Execute An Agreement Between The City Of Centerville And The Centerville City School District For The Presence Of Police Officers In School Buildings.
- C. A Resolution Ratifying The Action Of The City Manager On Behalf Of The City Of Centerville To Make Application To The Ohio Attorney General's Office For Salary Funding Of A DARE Officer.
- D. A Resolution Declaring Specific Vehicles 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 As Stated Herein.

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- E. A Resolution Accepting The Bid Submitted By Rock River Construction, Ltd., For The Forest Brook Boulevard Culvert Replacement (Project SS-6B-08) And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- F. A Resolution Accepting The Bid Submitted By Dixie Excavating, Inc. Of Kettering, Ohio For Concrete Repair And Sidewalk Construction Projects – 2008 (SS-3A-08 And SS-1C-08) And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- G. Appointments be Made as Follows:
Christine Nystrom to the Sister City Committee.
Marilou Enslein to the City Beautiful Commission.
- H. Reappointment be Made as Follows:
Marilyn Hoback to the Sister City Committee.

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

PUBLIC HEARING KROGER MARKETPLACE MAJOR USE SPECIAL APPROVAL

Dr. Gresham made a motion to remove the Kroger Marketplace Application for the Major Use Special Approval from the table. Mr. Cline seconded the motion. It passed with six ayes.

Applicant Jonathan Woche of McBride Dale Clarion, Inc., has applied for a Major Use Special Approval for a Kroger Marketplace at the northwest corner of the intersection of SR 48 and Sheehan Road in the Centerville Place shopping complex. Mr. Feverston made the staff presentation for Council; he included photos, aerial views, an updated site plan and building elevations for the re-development of this eighteen acre site that is zoned Business-Planned Development. Planning Commission reviewed an iteration of the plans at its June 24, 2008, meeting. Serpentine mounds with varied landscaping are being required for sound moderation and a visual buffer. The Planning Department has reviewed the revised site plan as submitted by the property owner and Kroger and finds that it is acceptable and that it meets with the intent of the Planning Commission's recommendation. The final agreement on the placement of the fueling center requires that an entrance from SR48 be relocated about forty feet to the north. The existing bus stop and gazebo will need to be moved if Council agrees to the shift. Planning Commission recommended approval of the Major Use plan subject to 16 recommendations; staff recommends that Council add Condition 17 to cover shifting both the driveway near Grismer Tire on S. Main Street and the fueling center slightly to the north as shown on the revised site plan and moving the gazebo and bus stop subject to the approval of the City Planner.

During the public hearing, Mr. Jonathan Woche, the applicant for Kroger, thanked staff members for continuing to work with the parties involved as the final plan developed. He stated that Kroger is willing to incorporate the changes being recommended by the Planning Commission. He requested Council's concurrence on the Major Use Special Approval of the modified plan.

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Mr. Lyle Swan, 9290 Amchar Drive, stated that noise is a concern of the residents since Kroger is open twenty-four hours a day, seven days a week. He also asked about plans for moving dirt from the mound behind Stein Mart. Mr. Feverston noted that a six-foot high serpentine mound with landscaping is required, but he did not know whether the excess dirt stored in this specific area would be moved. Any variance would need to come before Council.

Mr. Mark Burns, 9373 Sheehan Drive, asked if his buffer yard will be cut into for construction. Mr. Feverston pointed out the areas where streets and mounding will be.

Mr. Ron Lahan, 9398 Shawhan Drive, inquired whether noise from the mechanicals on the Kroger roof would be shielded to the west. Mr. Feverston replied shielding to the east and south was mostly for visual aesthetics and not for sound insulation. Sound deadening would be accomplished mostly by the serpentine mound.

A resident from 180 Devay Avenue voiced concern for empty businesses; she questioned the need for an additional gas station when one at the corner of SR 48 and Spring Valley Road is vacant. Mr. Feverston stated that the expectation is that the vacancies will fill as the markets rebound. Mayor Kingseed added that strong anchors, such as the Kroger Marketplace, bring additional businesses to the area where they locate.

Mr. Paul Clark, Chairman of the Planning Commission, reviewed the history of reaching the current plan. He noted the many hours spent coming to this agreement and asked for Council's approval.

Mr. Singer asked about the drive-through area on the south side of the main building. Dr. Gresham suggested that forethought be put into the issue of shopping carts accumulating at the bus stop. Mr. Cline requested an overview of the timeline for the closing of one Kroger and the opening of the new one and stated excitement that the expanded store would be in Centerville. Mr. Compton and Mayor Kingseed re-echoed Mr. Cline's comments complimenting staff and expressing appreciation for Kroger's investment in the community.

Mr. Compton moved for approval of the Kroger Marketplace Major Use Special Approval Application, as revised by the site plan dated August 13, 2008, subject to the following seventeen conditions:

1. The final design and alignment of all intersections onto State Route 48 and Sheehan Road shall be subject to approval by the City Engineer.
2. The parking lot, access drives and all internal landscape islands shall have a raised curb subject to approval by the City Engineer.
3. The landscape channelizing island located at the northeast corner of the Sheehan Road and the proposed frontage road shall be extended north to provide adequate stacking along the frontage road and reducing the width of the access to Grismer Tire to having a minimum length of 40 feet subject to approval by the City Engineer.
4. The proposed fueling center shall be shifted as shown on the revised site plan.
5. A mountable curb shall be installed along frontage road adjacent to the fueling center subject to approval by the City Engineer.

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6. Fire Department access shall be established along the front, south side and rear of the Marketplace building.
7. A final landscape and bufferyard plan shall be subject to approval by the City Planner to include the establishment of a landscape island at the southwest corner of the building, replace proposed wooden fence in bufferyard landscaping with evergreen trees, and the establishment of an earthen mound, averaging 3 feet in height, be placed in front of the fuel center.
8. A final exterior lighting plan shall be subject to approval by the City Planner.
9. A final grading and stormwater draining plan shall be subject to approval by the City Engineering Department for the proposed development showing drainage calculations incorporating retention and/or detention and erosion control during construction in accordance with the City Stormwater Drainage Control Ordinance.
10. The Planning Commission shall approve the architectural design of the proposed building to assure the materials, shape, massing and architectural features create a unified design on the premises and is visually compatible with the surrounding buildings. Specifically, the Planning Commission must approve the flat roof on the proposed marketplace building, false mansard on the fueling center canopy and the metal back of the pediments located along at the main entrances to the building.
11. The architectural cap of the building shall extend around to the rear of the building terminating at the northwest corner of the truck dock subject to approval by the City Planner.
12. The building elevation facing Sheehan Road shall be modified to provide a visual pattern of windows using relief in the masonry subject to approval by the City Planner.
13. Brick screening walls matching the materials and color of the Marketplace building shall be constructed along the west elevation to both loading docks subject to approval by the City Planner.
14. All rooftop mechanicals shall be shielded from view subject to approval by the City Planner.
15. The fueling center design shall be modified to include an architectural base, redesign the canopy fascia to emulate the Marketplace building including color of the metal roof subject to approval by the City Planner.
16. No signage is approved as part of this Major Use Special Approval application.

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17. The existing bus stop shall be relocated subject to the approval of the City Planner. Dr. Gresham seconded the motion. It passed with six ayes.

PUBLIC HEARING KROGER MARKETPLACE RECORD PLAN

Dr. Gresham made a motion to remove the Record Plan for the Kroger Marketplace from the table. Mr. Cline seconded the motion. It passed with six ayes.

Mr. Feverston noted that the Record Plan for this area plats the land and defines public rights of way and utility easements for Sheehan Road and South Main Street at the Kroger Marketplace. At its June 24th meeting, Planning Commission approved the Record Plan subject to five conditions.

Mr. Compton commended the Planning Commission for its extraordinary effort in making this finalized plan come together and moved for approval of the Kroger Marketplace Record Plan, subject to the following five conditions as recommended by the Planning Commission:

1. The property owner shall enter into a license agreement with the City to allow Grismer Tire temporary use of the Sheehan Road public right-of-way for vehicle parking and access subject to approval by the City Attorney.
2. The proposed public right-of-way dedication for Sheehan Road shall be increased to 45 feet in width from centerline between South Main Street and the first driveway into the Kroger Marketplace.
3. In lieu of construction of the required improvements prior to the recording of this plat, a performance bond in an amount equal to the required public improvements shall be posted by the developer with the City subject to approval by the City Engineer and a subdivider's agreement entered into with the City by the developer.
4. The applicant shall provide review and inspection fees in the amount subject to approval by the City Engineer.
5. Sheehan Road shall be improved to include a new 12 foot wide lane of pavement, curb, gutter, stormsewer, and an 8 foot wide hiker/biker path. In lieu of constructing these improvements, the applicant may place an amount of money in escrow with the City approved by the City Engineer to be used for the future improvement of Sheehan Road. The City Engineer may require the developer to make temporary improvements to Sheehan Road, which at this time are expected to include a second left turn from Sheehan Road to South Main Street and a left turn lane into the Kroger Marketplace from Sheehan Road. The estimated cost of any temporary improvements shall be subtracted from the required escrow amount.

Mrs. Kenley seconded the motion. It passed with six ayes.

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PUBLIC HEARING ORDINANCE NO. 10-08: INCREASE IN PERMIT FEES

The Public Hearing was held concerning Ordinance Number 10-08. In the Staff report Mrs. Jennifer Wilder stated that permit fees related to construction were last increased in 2003. As the result of research and discussions with Council, staff recommends a twenty percent across the board increase in fees in order to bring revenues closer to the expenses of the Building Inspection Department. Even with the increases, Centerville's fees will be less than or comparable to most of the surrounding jurisdictions. Mr. Cline moved for approval of Ordinance Number 10-08, An Ordinance Amending Sections 1442.02, 1442.03, 1442.04 and 1442.06 Of The Codified Ordinances Of The City of Centerville To Revise The "Permit Fees" In The Centerville Municipal Code. Mr. Compton seconded the motion. The motion passed unanimously.

PUBLIC HEARING ORDINANCE NO. 11-08: CLARIFYING RENTAL UNIT ACCESS

The Public Hearing was held concerning Ordinance Number 11-08. Stating that over 2000 units have been inspected, Mrs. Wilder reported the successful completion of the first two-year cycle of inspections. The experience of the first two years has pointed out the need for a clearer definition of the responsibilities of the owner/landlord in notifying the tenants and scheduling the inspections. Mr. Horn pointed out the benefits of the program in stabilizing property values since maintenance was usually done prior to the inspections. He also noted that the City has worked closely with owners or managers to schedule inspections at times which were convenient. Mr. Cline moved for approval of Ordinance Number 11-08, An Ordinance Amending Chapter 840 To Further Clarify Section 840.02(B) Access To Rental Unit. Mr. Compton seconded the motion. The motion passed with six ayes.

Mr. Lyle Swan, 9290 Amchar Drive, commended the Centerville City Council and the Planning Commission for the work done and, especially, for listening to the residents as the plans for the Kroger Marketplace were finalized.

There being no further business, the meeting was adjourned.

Approved: C. Mark Kung'eed
Mayor

ATTEST: Juan M. Weaver
Assistant Clerk of Council