

RECORD OF PROCEEDINGS

Minutes of

Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held March 1920 07

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, March 19, 2007, at 8:00 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Pastor Don Mershon and the Pledge of Allegiance to the Flag, with Deputy Mayor Doug Cline presiding. Councilmembers and City Staff present were as follows:

Councilmembers Brooks Compton
 Robert Corbin
 Paul Gresham
 Susan Lienesch
 James Singer

Clerk of Council Debra James
 Assistant Clerk of Council Julia Weaver
 City Manager Gregory Horn
 Finance Director Mark Schlagheck
 Public Works Director Robert James
 Public Works Operations Manager Mary Lou Pence
 City Engineer Douglas Spitler
 Assistant to the City Manager Jennifer Wilder
 City Planner Steve Feverston
 Management Analyst Kristen Gopman
 Municipal Attorney Scott Liberman

Mr. Singer moved that Mayor Kingseed be excused from this meeting. Mr. Compton seconded the motion. The motion passed unanimously.

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

Council Meeting - February 19, 2007.
 Work Session Meetings - February 19, 2007.
 March 5, 2007.
 March 12, 2007.

Mr. Compton moved that the minutes of the foregoing meetings, as distributed be approved. Mrs. Lienesch seconded the motion. The motion passed unanimously, with Dr. Gresham abstaining from the minutes of the meeting on March 12, 2007, as he was at the National League of Cities in Washington, D.C.

Mrs. James announced communications from Jeanie Weidlich resigning from the Sister City Committee and from Julie Ross resigning from the Arts Commission. Deputy Mayor Cline expressed appreciation to both of the members for their service.

Mr. Steve Wenstrup, Marketing Chair, gave an overview of the Americana Festival plans for this summer. He thanked Council for ongoing support of the event and also thanked the numerous volunteers who make our Fourth of July festival possible.

Deputy Mayor Cline welcomed thirteen students and two chaperones from our Sister City, Bad Zwischenahn in Germany. Ms. Kristina Wassmann, the German teacher from

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Centerville High School and liaison for the visit, assisted in the presentation of certificates of honorary Centerville citizenship for the following guests:

Martina Ahlers, Philipp Berger, Sarah Brendes, Melanie BrunBen, Tobias Fanta, Moritz Hartmann, Swea Hobbie, Lisa Jeddelloh, Max Kuska, Ann-Christin Martin, Franziska Paul, Söhnke Schmidt, Annika Schröder, Steffani Grosse, and Hermann Martens. In June, students from Centerville will visit Bad Zwischenan.

Deputy Mayor Cline welcomed and administered the oath of office to newly appointed Arts Commission members, Mary Joyce Ahmad, Nora Gessner and Francine Riley.

Mrs. Lienesch welcomed The Cat in the Hat and JoJo, representatives from the Town Hall production of "Seussical." Mrs. Lienesch read a proclamation making Monday, March 19, 2007, "Reading Awareness Day" in Centerville and encouraging adults to read to children in order to enhance the love of reading and improve reading skills.

Deputy Mayor Cline reported the following:

Mayor Kingseed has been released from the care of the Mayo Clinic and will be returning to Centerville at the end of the month; he continues to make good progress. Mr. Cline stated his admiration for the courage Mayor Kingseed has shown in the face of adversity and thanked everyone for the concern shown during the past months.

At the end of June, Fire Chief Parks is retiring from his position at the Washington Township Fire Department. Mr. Cline has been invited to serve on the selection committee for his replacement. It is hoped that the new Fire Chief can be named by the end of May.

Mr. Cline reminded citizens that local income taxes for 2006 are due by April 16.

Mr. Horn announced the following during his City Manager's Report:

He thanked Mr. Cline and the other Councilmembers for the additional work that they have done in Mayor Kingseed's absence.

He noted that Mr. Singer and the Stormwater Drainage Task Force have been working with the Rod and Reel Club on algae issues at the lake. An independent testing group is to report its findings later this week. Preliminary results of testing would seem to indicate that there are no major issues.

Congratulations were extended to Paul Ballinger, a Supervisor in the Public Works Department, on his retirement from the City at the end of March after thirty-five years of service. Mr. Horn noted that the departure is a big loss for the City and wished Mr. Ballinger a long and happy retirement.

Mrs. Gopman outlined code violations and resolutions for the month of February, 2007, and the community calendar for the coming month.

Mr. Feverston, reporting for the Planning Commission, advised that An Ordinance Amending Ordinance Number 11-86 Dated July 21, 1986, The Zoning Ordinance By Rezoning 11.8 Acres, More Or Less, From Sugarcreek Township B-2 Zone Classification to Centerville B-PD, Business-Planned Development Zone Classification has been

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recommended to City Council. Dr. Gresham moved that said Ordinance be set for Public Hearing. Mr. Singer seconded the motion. The motion passed unanimously.

GRACEWORKS LUTHERN SERVICES- MAJOR USE SPECIAL APPROVAL APPLICATION

The Public Hearing was held concerning the Major Use Special Approval Application submitted by Jeffrey Van Atta for Bethany Lutheran Village. The Application amends the approved Master Plan for the entire site; approval of Phase 1 of the Bethany Lutheran Village Campus. Mr. Feverston located the subject property on a map and identified the campus more specifically as along Far Hills Avenue; just south of Whipp Road and north of I-675. The existing retirement project is located on 98 acres and the zoning on the property is Residential Planned Development which permits a retirement community. Approval of Phase 1 of the Bethany Lutheran Village campus would include a memory support center, village center, independent living apartments and cottages, a two story parking garage, and the re-cladding of the existing tower. The majority of the expansion to the campus will be located in the central portion of the existing community. The boulevard street from State Route 48 will be relocated by bending to the southwest extending to the focal area of the village center. The Planning Commission on February 27, 2007 recommended approval of a height Variance for the independent living apartment building and approved the architectural design of the buildings except the architecture of the parking garage and asked that it be brought back for review to the Planning Commission. The Planning Commission recommended approval of the Major Use Special Approval to City Council subject to the following conditions:

1. The Planning Commission must approve a variance to permit the independent living apartment building a maximum height of fifty-five (55) feet.
2. The applicant shall submit a construction schedule that details when the infrastructure including the street, detention basin, sidewalks, grading and building are to be built.
3. All private streets shall be constructed to City standards excepting street width as shown on the Major Use Plan subject to approval by the City Engineering Department.
4. All streets and drives shall intersect at ninety (90) degree angles to the greatest extent practical subject to approval by the City Engineering Department.
5. All street names shall be subject to approval by the City Planning Department.
6. The new drive and adjacent parking lot east of the proposed front tower shall be modified to provide access for emergency purposes subject to approval by the City Engineering Department.

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7. A minimum vehicle height clearance of fourteen (14) feet shall be provided for the Village Center building over Bethany Village Drive.
8. Pedestrian crosswalks shall cross streets and drives perpendicularly at intersections and be delineated on the pavement.
9. Any pedestrian walk(s) required by law shall be subject to approval by the City Planning Department to provide connectivity to existing or proposed pedestrian walks.
10. The proposed sidewalk along the new lake road shall be a continuous path uninterrupted by parking stalls subject to approval by the Planning Department.
11. The developer shall pay a fee-in-lieu of dedicating parkland in accordance with the provisions of the City Parkland Dedication Ordinance.
12. A final grading, stormwater drainage and erosion control plan shall be subject to approval by the City Engineering Department showing drainage calculations and incorporating detention and erosion control during construction in accordance with the City Stormwater Drainage Control Ordinance. Additionally, any proposed impervious areas shall be figured into overall detention calculations.
13. An easement shall be recorded to allow for emergency access to all retention/detention basins by the City.
14. Fire hydrants shall be located within four hundred (400) feet of all designated building access points as measured along actual fire apparatus routes of travel.
15. A hard surface roadway capable of providing emergency vehicle access and support at all times for emergency purposes shall be provided during construction.
16. Architectural design of the proposed buildings is subject to future approval by the Planning Commission.
17. The final architectural design of the parking garage shall be subject to approval by the Planning Commission.
18. A final exterior lighting plan shall be subject to approval by the City Planning Department.
19. All dumpsters shall be screened using brick and/or stone to match the exterior materials of the proposed village center, memory support, and apartment buildings subject to approval by the City Planning Department.
20. A fire hydrant shall be located within seventy-five (75) feet of any fire department connection.

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21. A traffic study for the intersection of SR 48 and Bethany Village Drive shall be conducted prior to first construction to insure sufficient capacity, particularly the northbound left-turn lane.

Mr. Michael Allen, Vice President of Finance and Facilities representing GraceWorks Lutheran Services (owner and operator for Bethany Lutheran Village) was present to answer questions. He explained that many hours have been spent working on this project with the goal of enhancing the quality of life for residents with a new village center, fitness center and new gathering spaces. He also gave a brief overview of GraceWorks Lutheran Services. Just this past year GraceWorks celebrated its 80th year in existence, and Bethany Lutheran Village celebrated its 60th birthday. He thanked City Council, Staff and the Planning Commission.

In answer to a question of Deputy Mayor Cline, Mr. Allen explained that there will be about a fifteen percent increase in the number of residents because of the addition of thirty new villas and thirty new apartments. The spaces in the 56 bed memory support center replace existing capacity.

Mr. Compton expressed appreciation for the positive contributions Bethany Lutheran Village and GraceWorks make to our City and stated that it is a privilege to have them in our community.

Upon question of Mr. Cline, Mr. Feverston explained that there was one issue that was raised by a resident who lived just off of the northwest corner of the Bethany campus. His issues were principally drainage related; he has had erosion issues over the course of the past several years.

Mr. Corbin moved that the Major Use Special Approval Application for GraceWorks Lutheran Services for Bethany Lutheran Village be approved subject to the conditions as recommended by the Planning Commission. Dr. Gresham seconded the motion. The motion passed by unanimous vote.

CENTERVILLE MALL – RECORD PLAN

Mr. Feverston reviewed the Record Plan for the Centerville Mall, for property located east of South Main Street (State Route 48) and north of East Spring Valley Road. The Centerville Mall is the location of the existing Neo Limits, Auto Zone, the Pri Med Physician Care on their property. The zoning on the 8.5 acres is B-2, General Business. The Record Plan is to subdivide the existing shopping center to create a 0.5238 acre outlot as Lot 2. (Mr. Compton excused himself from the meeting at this time because of a potential conflict of interest.) There are no public improvements associated with this record plan. The Planning Commission, by unanimous vote, recommended approval subject to the following conditions:

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1. A covenant shall be placed on the Record Plan that prevents the independent sale of either lot unless specifically approved by the City and subject to approval by the City Attorney or additional parking necessary to meet the minimum parking requirement for 'Lot 1' and the required parking and paving setbacks shall be constructed subject to approval by the City.
2. A covenant or easement shall be placed on the Record Plan that provides shared access and parking between 'Lot 1' and 'Lot 2' subject to approval by the City Attorney.
3. A covenant shall be placed on the Record Plan for 'Lot 2' that prohibits direct vehicular access onto State Route 48 subject to approval by the City Attorney.

Mr. Corbin moved that the Record Plan for the Centerville Mall be approved subject to the conditions as recommended by the Planning Commission. Mrs. Lienesch seconded the motion. The motion passed unanimously.

Mr. Compton returned to the meeting at this time.

LA TAN, SECTION 1 – RECORD PLAN

Mr. Feverston reviewed the Record Plan for LA Tan, Section 1, for property located at 255 West Franklin Street which is at the corner of Normandy Lane and West Franklin Street. The zoning on the 1.5238 acre parcel is Architectural Preservation District. The purpose of the Record Plan is to consolidate two existing lots into 'Lot 1,' dedicate public right-of-way along Normandy Lane, provide public improvements to Normandy Lane, and provide a joint access easement. The Planning Commission did recommend approval to City Council at their February 27, 2007 meeting with conditions.

Planning Commission:

1. Final design of the public sidewalk at the corner of Normandy Lane and West Franklin Street shall be subject to approval by the City of Centerville.
2. A covenant shall be placed on the Record Plan that provides shared parking between 'Lot 1' and 'Lot 2' subject to approval by the City Attorney.
3. A covenant shall be placed on the Record Plan that prohibits direct vehicular access from 'Lot 1' onto West Franklin Street subject to approval by the City Attorney.
4. In lieu of completion of the required improvements prior to the recording of the plat, a performance bond in an amount acceptable to the City

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Engineer shall be posted by the developer with the City of Centerville and a Subdivider's Agreement entered into with the City by the developer.

City Engineer:

1. Acceptable Subdivider's Agreement.
2. Performance Bond to assure the completion of the public improvements (grading, drainage, curbs, pavement, etc.) in the amount of \$27,568.45, of which \$6,876.00 is for the sidewalk.
3. Inspection fee in the amount of \$285.00.

A one year Maintenance Bond will be required when the public improvements are completed and the Performance Bond released. The amount of the Maintenance Bond will be determined at that time.

Mr. Feverston also noted that one minor change in further review of the plat is to simply extend the access easement to the east property line to hold and reserve for possible future expansion of the parking and access plan.

In answer to Mr. Singer's question, Mr. Feverston stated that the resident just north of this property was notified of this Council Meeting regarding this Record Plan.

Mr. Kenneth Vollrath, 234 W. Ridgeway Drive, was present to request fencing for privacy between his residence and the Global Accents property. He is also concerned with the condition of the fence behind his property that is owned by the orthodontist. He stated that he had not been notified of this meeting or any other meetings that have been held.

Mr. Feverston explained the Public Hearing process. A Special Approval Request or a Record Plan is an administrative action of Planning Commission or Council and no formal public hearing is required. Additionally, there is no formal notification requirement. The only time we notify property owners is when we have a formal public hearing which would involve a Major Use Special Approval, Variance, Appeal or an Ordinance change such as a rezoning. Those are the only cases we have a formal public hearing and are required to notify property owners within 500 feet of the property. At the Council Work Session of March 5, 2007, Council had requested that Staff notify the resident just north of this property of this Council Meeting. With regards to screening for Lot 1 and Lot 2 on the site, properties must be screened in accordance with the requirements of our Code which in this case could be a fence. Screening has to be a solid barrier such as an evergreen shrub that is at least six feet high, or it can be a privacy fence.

Mr. Feverston will check the building permit plans regarding the 30 year old fence behind Mr. Vollrath's property. If necessary the Code Enforcement Officer will look at the fence and order the necessary repairs or replacements. Deputy Mayor Cline asked Mr. Feverston to communicate his findings to Mr. Vollrath.

Mr. Corbin moved that the Record Plan for L.A. Tan, Section 1, be approved as recommended by the Planning Commission, and the City Engineer subject to all conditions

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as stated in their recommendations. Mr. Corbin added a fifth condition to the Planning Commission's recommendation as follows:

5. Access Easement on Normandy Lane extended east to the east property line.

Mr. Compton seconded the motion. The motion passed by unanimous vote.

Mr. Compton stated that the Unified Development Task Force has been meeting regularly to put together details on overlay districts. There is concern for preservation of residential areas, particularly around downtown.

Dr. Gresham, Council's liaison to the Sister City Committee, noted that adults from Germany will be visiting Centerville from May 30 to June 2, 2007. The Sister City Committee needs housing for the visitors. If anyone would like to volunteer to host a single person or a couple, please contact the Clerk's Office at 433-7151. Dr. Gresham asked that information about the need for housing be posted on the City's website.

Dr. Gresham commented about the major issues of the National League of Cities' Conference in Washington, D.C. This year NLC has four major areas of concern:

1. Protecting local government interests in telecommunication legislation in such matters as public right of way and franchise fees;
2. Requesting sufficient funding for all legislation requiring local response;
3. Insisting that the effects on city governments are considered in any immigration reform;
4. Voicing concern for housing foreclosure rates and predatory lending practices.

Deputy Mayor Cline thanked Dr. Gresham for his work with the National League of Cities.

He then explained that the Consent Agenda contains procedural administrative matters. Approval of these issues will be as a group with one motion being made. He noted that Item "A" had been removed from the Consent Agenda, so that it could have the emphasis of a separate vote. He pointed out the appointment of Dianne Nelson-Acosta to the Centerville Arts Commission and the reappointment of Norman Plair to the Personnel Appeals Board. Mr. Horn gave a brief summary of the Consent Agenda items. Dr. Gresham moved that the following Consent Agenda Items "B" through "D" be approved minus Item "A," which will be voted on separately.

- A. Item removed from Consent Agenda.
- B. Resolution Number 10-07, A Resolution By The Centerville City Council Imposing A Moratorium On Sign Permits For Changeable Copy, Electronic Display, And LED Signs In The City Of Centerville, Ohio, For A Period Of Six Months (180 Days).
- C. Resolution Number 11-07, A Resolution Accepting The Bid Submitted By John R. Jurgenson Company For The 2007 Street Program (Project #SS-

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1D-07) For Concrete And Asphalt Repair And Asphalt Resurfacing In The City Of Centerville And To Authorize The City Manager To Enter Into A Contract In Connection Therewith.

D. Resolution Number 12-07, A Resolution Declaring Specific Equipment 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.

E. Appointed Dianne Nelson Acosta as a Member of the Centerville Arts Commission.

F. Reappointed Norman Plair as a Member of the Personnel Appeals Board.

Mr. Compton seconded the motion. The motion passed unanimously.

RESOLUTION NO. 13-07 WASHINGTON TOWNSHIP FIRE DEPARTMENT ACCREDITATION

Mr. Singer explained that he had asked that Item "A" be a separate vote in order to highlight its importance. Mr. Horn explained that the Washington Township Fire Department has been working on accreditation for several years. The accreditation program establishes some national standards and protocols and creates a benchmark or measuring stick to see how a specific department relates compared to other similar communities. Chief Parks and Captain Neidhard have been before Council on two different occasions explaining the two prong process. The Washington Township Fire Department created two documents required for national accreditation, a Strategic Plan and Standards of Response Coverage. The Washington Township Trustees have formally adopted the two documents. The WTFD is now asking for formal adoption by City Council because they provide fire and EMS services to both the unincorporated and incorporated areas. Mr. Singer sponsored Resolution Number 13-07, A Resolution Adopting The Washington Township Fire Department Strategic Plan Dated September 2006 And The Washington Township Fire Department Standards Of Response Coverage Dated September 2006, and moved that it be passed. Mr. Corbin seconded the motion. The motion passed by unanimous vote.

Joseph Koussa, 1537 Beaver creek Lane, Kettering, Ohio, asked for the troops to come home safely. He thanked the Police, Fire, and Public Works Departments for their efforts in meeting the snow emergency that the area recently had.

There being no further business, the meeting was adjourned.

Approved:

Douglas C. Cline
Deputy Mayor, Douglas C. Cline

ATTEST:

Debra A. James
Clerk of Council