

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, March 16, 2020, at 7:38 P.M. in the JV Stone Council Chambers of the Centerville Municipal Building. The meeting was opened with an Invocation, followed by The Pledge of Allegiance to the flag with Mayor Compton presiding. Councilmembers and City Staff were present as follows:

Deputy Mayor	JoAnne Rau
Councilmembers	Mark Engert
	Belinda Kenley
	Duke Lunsford
	John Palcher
	Bill Serr

Assistant Clerk of Council Donna Fiori  
 City Manager Wayne Davis  
 Public Works Director Pat Turnbull  
 City Engineer Jim Brinegar  
 Assistant City Manager Mariah Vogelgesang  
 Development Director Michael Norton-Smith  
 Municipal Attorney Scott Liberman

Mayor Compton and Mr. Davis made statements and provided words of encouragement in reference to the COVID-19 pandemic.

### **Minutes**

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

Council Meeting: March 2, 2020.

Work Session Meeting: March 2, 2020.

City Council Retreat Meeting: February 29, 2020

Mrs. Kenley made a motion for approval of the minutes, Mr. Palcher seconded the motion, and it passed with 7 ayes.

### **Communications**

Mrs. Fiori reported no communications.

### **Proclamation**

Mayor Compton stated proclamations for this evening have been postponed to a later date.

### **Recognition**

Mayor Compton stated recognitions for this evening have been postponed to a later date.

**Citizen Comments and Petitions** – none.

### **Official's Reports**

Mayor Compton moved onto Official's Reports. Under Official Reports, Mayor Compton talked about the following topics:

- The City is prepared to move forward in the manner needed in the coming days and months in light of the COVID-19 pandemic.

Mrs. Kenley commended the Centerville High School students that performed in the Blue Grass Blow Out on an outstanding performance.

Mr. Engert reminded everyone to help support local business by utilizing carry-out options.

Mrs. Rau complimented City Beautiful on a well-attended and great seminar.

In the City Manager's Report, Mr. Davis spoke about:

- The new normal amid the COVID-19 pandemic and changes in service delivery.
- Recognized retailers for outstanding work.
- Welcomed and introduced new Public Works Director Pat Turnbull.
- Loop Road bridge closure and ODOT acknowledging its failure to communicate the project with the City. The City is maintaining communications with the car dealerships.

**Report Of The Planning Commission – none.**

### **Consent Agenda**

Mayor Compton turned the attention of the group to the Consent Agenda. Any City Councilmember may remove an item from the Consent Agenda by request. No second is required for removal of an item. Items removed for separate discussion will be considered after the motion to approve the remaining Consent Agenda items.

Councilmembers read the Consent Agenda into the record as follows:

- A. Ordinance 09-20, An Ordinance To Repeal Chapter 268, Parks And Recreation Commission, Of The Centerville Municipal Code (Set For Public Hearing April 6, 2020).
- B. Resolution 18-20, A Resolution Accepting The Bid Submitted By Adleta Construction Of Cincinnati, Ohio For The 2020 Concrete Program, Phase II (Project SS-1) For Concrete Repair On Streets And Sidewalks And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- C. Resolution 19-20, A Resolution Authorizing The City Of Centerville Participation In The ODOT Annual Road Salt Bid For Road Salt.
- D. Resolution 20-20, A Resolution Authorizing And Directing The City Manager To Enter Into A Communications System And Services Agreement And Maintenance Support And Services Addendum With Motorola Solutions, Inc. For A Console Upgrade For The Communications System Without Competitive Bidding.

Mr. Engert asked for an explanation regarding Item D, not requiring competitive bidding. Competitive bidding is not applicable in this case due to Motorola being a sole source provider.

Mayor Compton asked for confirmation regarding Item B being consistent with the street and roadway repair budget. Mr. Davis stated this is Phase II of the concrete program of which Adleta Construction came in at the lowest bid.

Mayor Compton pointed out the Parks and Recreation Commission referenced in Item A is no longer used.

Mr. Lunsford sponsored the Consent Agenda, and moved for its approval. Mr. Serr seconded the motion, and it passed unanimously with a 7-0 vote.

### **Old Business**

#### **PUBLIC HEARING: ORDINANCE 05-20**

An Ordinance Amending Ordinance Number 14-08, Chapter 1216, The Unified Development Ordinance, As Amended, To Rezone 1.73 Acres Of Land, More Or Less, Located At 5495 Wilmington Pike And East Whipp Road, From O-S, Office Service Zone Classification, To B-2, General Business Zone Classification.

Councilmember Serr recused himself from this matter, citing a conflict of interest.

Development Director, Mr. Norton-Smith presented the report for Ordinance 05-20. He detailed the project site currently zoned O-S requesting to be rezoned as B-2, explained Planning Commission's denial due to concerns with land use and landscape screening requirements related to a B-2 zoning. Mr. Norton-Smith indicated Staff is supportive of the rezoning citing the belief a single user would be a less intense use on the entirety of the property than having two separate businesses on the parcel.

Mayor Compton opened the Public Hearing.

Mr. Sweet representing McBride Dale Clarion, presented concept plans including elevations and anticipated 50 foot buffer zone with screening between the site and Old Whipp Court. The project is slated for the 2023-24 timeframe. The project will reconfigure accesses (avoiding Old Whipp Ct.), add five gas pumps, and update the existing gas station facility, bringing it to a level of character consistent with the Cornerstone Development. Mr. Sweet noted a similarly updated facility is located in Beaver creek on Indian Ripple at Darst.

Council discussed buffers related to this rezoning and the requirement for a major site plan on any future changes.

Doris Burton, 2657 Old Whipp Ct., spoke in opposition of the rezoning citing concerns with unknown possible future development, land/tree buffers, hours of operation, light pollution, negative appearance, and property values.

Discussion occurred related to concerns raised by Mrs. Burton.

Seeing no one else come forward, Mayor Compton closed the Public Hearing.

Discussion relating to potential direction of the parcel and expansion of use occurred. Mayor Compton instructed City Council members to take into consideration the recommendation of Planning Commission and to take into account all information presented when making their determination.

Mrs. Kenley sponsored Ordinance 05-20 and moved for its approval. Mrs. Rau seconded the motion and it passed with a 6-0 roll call vote.

**PUBLIC HEARING: ORDINANCE 06-20**

An Ordinance To Provide By Mutual Agreement For The Adjustment Of The Boundaries Between The Cities Of Centerville And Kettering, Ohio.

Development Director Mr. Norton-Smith presented the report for Ordinance 06-20. The Cities of Centerville and Kettering have worked together for the past 18 months on the proposed boundary adjustment and had multiple interactions with the 12 affected property owners. No mortgage modifications would be required. Kettering is supportive and there have been no objections by residents. During due-diligence, a "reverter" clause was identified on a portion of the property of which the Cities are working to address and should not inhibit City Council action.

There being no questions from Council, Mayor Compton opened the Public Hearing. Seeing no one who wished to comment, he closed the Public Hearing.

Mayor Compton gave thanks and acknowledgement to Mr. Norton-Smith, the City of Kettering, and Montgomery County on their efforts to bring this to completion.

Mr. Engert sponsored Ordinance 06-20 and moved for its approval. Mr. Lunsford seconded the motion and it passed with a 7-0 vote.

**PUBLIC HEARING: ORDINANCE 07-20**

An Ordinance Amending The Centerville Municipal Code Section 436.09, Display Of License Plates; Registration; Obstructions To Restore Restrictions On Parking Or Operating A Vehicle Without The Display Of Valid License Plates.

Mr. Liberman explained that Ordinance 07-20 is brought before Council at the request of Kettering Prosecutors and Centerville Police Department. During the annual update of the Ordinances and O.R.C. changes as prepared by American Legal Publishing, sections of the 'Display of License Plate' ordinance were inadvertently removed. These sections are needed to allow citations to be issued and for prosecution. This action will fix the unintentional change.

Mayor Compton opened the Public Hearing. Seeing no one who wished to comment, he closed the Public Hearing.

Mr. Serr sponsored Ordinance 07-20 and moved for its approval. Mrs. Rau seconded the motion and it passed with a 7-0 vote.

**PUBLIC HEARING: ORDINANCE 08-20**

An Ordinance Amending The Centerville Municipal Code Sections 844.01 And 844.03 Of The Mobile Food Licensing Requirements To Update Definitions To Include Vehicle-Towed Trailers And To Update Insurance Requirements.

Mr. Liberman explained this update to the Mobile Food Truck Licensing Ordinance would expand the definition of mobile food truck to include vehicle-towed trailers and food carts and would update insurance requirements to include the City be named as an additional insured.

Mayor Compton opened the Public Hearing. Seeing no one who wished to comment, he closed the Public Hearing.

Mrs. Kenley sponsored Ordinance 08-20 and moved for its approval. Mr. Engert seconded the motion and it passed with a 7-0 vote.

**New Business**

- A. Resolution 21-20, A Resolution Declaring Certain Emergency Procedures Necessary For The Continued Governance Of The City During The Current National State Of Emergency.
- B. Resolution 22-20, A Resolution Declaring A State Of Emergency For The City Of Centerville And Allowing Certain Emergency Procedures Necessary For The Continued Governance Of The City During The State Of Emergency.

Mr. Davis provided the explanation given current restrictions concerning the COVID-19 pandemic orders, Resolution 21-20, would allow public meetings be held remotely during the Current National State of Emergency. Resolution 22-20 would declare a State of Emergency for the City and allow the flexibility to act at a staff level related to operations of the City during such time.

Mayor Compton discussed the importance of each Resolution amidst the current state of affairs. Council members discussed the importance of keeping the City running by having a plan in place and communicating this to the public

Mrs. Rau sponsored Resolution 21-20 and moved for its approval. Mr. Engert seconded the motion; the motion carried unanimously with a 7-0 roll call vote.

Mr. Serr sponsored Resolution 22-20 and moved for its approval. Mr. Palcher seconded the motion; the motion carried unanimously with a 7-0 roll call vote.

**Adjournment**

Mayor Compton concluded the meeting assured that staff will implement policies and procedures needed to best serve our Citizens and our City as a whole, and reminding all to be safe, practice patience, kindness, and prudence to get through this time.

With no further business before the Council, Mayor Compton adjourned the regular meeting at 9:12 P.M. to reconvene in Work Session in the JV Stone Council Chambers. The next regular meeting of City Council is scheduled to take place on Monday, April 6, 2020 at 7:30 P.M.

Approved: *Brook A. Compton*  
Mayor

ATTEST: *M Davis*  
Clerk of Council