

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, May 19, 2014, at 7:30 P.M. in the Council Chambers of the Centerville Municipal Building. The Meeting was opened with an Invocation given by Mayor Kingseed, who led the Pledge of Allegiance and also presided over the meeting. Council Members and City Staff were present as follows:

Deputy Mayor Brooks Compton  
Council Members John Beals  
Paul Gresham  
Belinda Kenley  
John Palcher  
JoAnne Rau

Clerk of Council Debra James  
City Manager Gregory Horn  
Police Chief Bruce Robertson  
Finance Director Steven Hinshaw  
City Planner Andrew Rodney  
Economic Development Administrator Nathan Cahall  
Public Works Director Rob James  
City Engineer Douglas Spitler  
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 - April 21, 2014.

Work Session Meetings - April 21, 2014.

May 5, 2014.

May 12, 2014.

Mr. Compton made a motion for approval of the minutes as distributed. Mrs. Rau seconded the motion. The motion to approve the minutes passed 7-0.

Mrs. James announced the resignation of Joanie Haverstick from the Arts Commission. She and her family have recently moved. Mayor Kingseed thanked her for her service to our community.

Mr. Greg Cook, from the Auditor of State Office, presented Dr. Steven Hinshaw with the "*Auditor of State Award with Distinction*" for his excellent work in accounting. Mr. Cook stated that the award is a testament to clean and accurate record keeping which is the foundation for good fiscal management. Congratulations on behalf of Dave Yost.

Mrs. Kenley noted that she formerly worked for Auditor of State, Betty Montgomery, and for a short time for Mary Taylor, and those awards were far and few between, less than 5%. She stated it is a well deserved award.

Mr. Steve Wenstrup, Chairman of the Board of the Americana Festival, was present to thank Council for the City's support of the annual 4<sup>th</sup> of July event. "A Star-Spangled Fourth" is this year's theme. Although the committee is partnering with the PTO, volunteers are needed.

Mayor Kingseed presented a Certificate of Recognition to Ms. Ellie Halter who had recently completed the requirements for the Girl Scout Gold Award.

Mrs. Wilder honored the Sixth Annual Farmers Market poster contest winners. Mallory Stewart, the overall winner, Chris Wang, Grace Brown, Nadah Ramadan, Lori Rakes and Abby Angott were present to receive Certificates of Recognition and vouchers for the Farmers Market. The Centerville Farmers Market, located at 892 South Main Street, will be set up every Thursday from 2:30 – 6:30 p.m. through the end of October.

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

A Memorial Day ceremony will be held at the Veterans Memorial at Stubbs Park, 255 West Spring Valley Road at 9:00 a.m. on Monday, May 26, 2014. The keynote speaker is U.S. Congressman Mike Turner. The public is invited to attend.

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

He wanted to echo the sentiments that were mentioned earlier for Dr. Hinshaw's award. It is a very prestigious award as Council Member Kenley mentioned, there are only a handful, percentage wise, of local governments throughout Ohio that receive that recognition and we are very pleased and honored that Steve has been able to attain that level of distinction for us.

Mrs. Gopman outlined property maintenance code violations and resolutions for the month of April 2014, as well as the community calendar for the remainder of May and the month of June.

**PUBLIC HEARING: CONDITIONAL USE APPLICATION FOR A CELLULAR  
ANTENNA ON THE MONTGOMERY COUNTY WATER TOWER**  
Applicant: Ed Block of the GPD Group for AT&T Mobility

The Public Hearing was held concerning a Conditional Use application to allow a cellular antenna on the water tower and a related 300 sq. ft. ground facility on the 1.63 acres owned by Montgomery County at 190 N. Johanna Drive. The area is zoned R-1d, Single Family Residential. Mr. Rodney gave the staff report on Application P-2014-0010 filed by Mr. Ed Block of the GPD Group of Akron for AT&T Mobility requesting the Conditional Use. Mr. Rodney used aerial photos and pictures to explain the proposal for a 10' cellular antenna on the northernmost of the two water towers. All electrical and cellular lines would be underground. Although the nearest residential property is 140 feet away, a landscape buffer is required. Variances were granted as part of this case by the Planning Commission for setbacks against residential properties, mainly due to the odd shape of the lots. The Planning Commission also waived the requirement for street trees in the landscape buffer because of the proximity to the water tower and its underground components, but other landscaping will be provided as required. A major site plan was approved as well. The use itself would not be much different from the present use; Montgomery County's two very large water towers are prominent landmarks in the

community. Adding a 10' antenna on the north tower and a small unmanned ground facility would make an almost imperceptible difference for neighbors. Mr. Rodney explained the Standards for Approval to be considered in the review of Conditional Use Application are listed in Article 5.09(F)(1). He noted that Item A of the Standards for Approval could not be met unless Council would approve a related UDO text amendment in June. If the text amendment is adopted, this project could go forward. He also stated that the Planning Commission had voted 4-1 recommending approval subject to the following condition:

1. The approval shall be contingent on the adoption of a zoning text amendment to permit the proposed use in the R-1d zoning district.

Mayor Kingseed opened the public hearing.

When Mr. Paul <sup>DAS Labbe</sup>Abbe, 120 Woodfield Place, asked if there would be a beacon at the top the antenna, Mr. Ed Block, GPD, 520 South Main Street, Akron, answered that there was no need for a beacon of any kind.

When Mayor Kingseed asked Mr. Block if there was anything that he would like to add, Mr. Block explained AT&T, in general, tried to find existing towers or structures to use. In this case, the water tank would work for the benefit of the all parties involved.

Following final questions from Council, Mr. Ed Block answered their concerns with regard to migrating birds and safety for maintenance workers on the tower.

Mayor Kingseed closed the public hearing.

Mr. Compton made a motion for approval of the Conditional Use Application, subject to the one condition recommended by the Planning Commission, as shown above. Dr. Gresham seconded the motion. The motion passed unanimously.

In Council Committee reports, Mrs. Rau thanked the City Beautiful Commission for the great job that they did planting beautiful flowers at the Four Corners downtown. Mr. Beals shared that the Sister City Committee had hosted six visitors from Bad Zwischenahn, Germany from May 10 through Wednesday, May 14, 2014. They visited Motoman, the local library, Carillon Park, the Centerville Police Department, and Wright-Pat Air Force Museum. Events included square dancing and a picnic dinner at Benham's Grove and a dinner at Yankee Trace. Mr. Compton stated that he and Mr. Beals had participated in the golf outing at Yankee Trace on this date for the Hithergreen Center. He noted the golf course was in outstanding shape. Over the course of five years, that event raised over \$100,000. Mr. Compton commended Mr. Paul Heintz who did a get job chairing the Committee. He congratulated Hithergreen for another fine golf outing.

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 No. 05-14, An Ordinance Amending Ordinance No. 7-13, Which Originally Related To The Creation Of A Tax Increment Financing, To Provide For Compensation To The Bellbrook-Sugarcreek Local School District And The Greene County Vocational School District And The Execution Of A Related Tax Incentive Agreement be set for Public Hearing on June 2, 2014.
- B. Ordinance No. 06-14, An Ordinance Adopting New Chapter 290 Mayor's Court To The Centerville Municipal Code Providing For The Establishment And Operation Of A Municipal Mayor's Court be set for Public Hearing on June 16, 2014.
- C. Resolution No. 18-14, A Resolution To Continue Participation In A Multi-Jurisdictional, Hazard Mitigation Plan In Conjunction With The Montgomery County Office Of Emergency Management.
- D. Resolution No. 19-14, A Resolution Ratifying The Action Taken By The City Manager To Submit An Application To The Montgomery County Board Of Commissioners For A Community Development Block Grant.
- E. Resolution No. 20-14, A Resolution Authorizing And Directing The City Manager To Take All Steps And Execute All Documents Necessary In Order To Affect The Purchase Of Real Property And A Right Of Entry Agreement With Sugarcreek Crossing Permanent, LLC For Property Located Along Wilmington Pike And Feedwire Road In Greene County.
- F. Resolution No. 21-14, A Resolution Authorizing The City Manager To Enter Into An Agreement Between The City Of Centerville And Double Jay Construction, Inc. For Centerville Gateway Enhancements, Phase II, SS-9, At I-675 And State Route 48.
- G. Resolution No. 22-14, A Resolution Accepting The Bid Submitted By Karvo Paving Company Of Stow, Ohio For Feedwire Road Improvements, In The City Of Centerville And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.
- H. Don Stewart be appointed as a Member of the Community Reinvestment Area Housing Council for a term of three years.  
Don Stewart be appointed as a Member of the Board of Tax Appeals for a term of three years.
- I. Dave Blum be reappointed as a Member of the Board of Tax Appeals for a term of three years.  
Bill Etson be reappointed as a Member of the Planning Commission for a term of four years.

Mrs. Kenley noted that she had a conflict of interest with Item "A" and therefore

would not be voting on that particular item. Mr. Beals seconded the motion for the Consent Agenda. The motion passed with seven ayes.

Mr. Jack Garner, 85 Zengel Drive, passed out copies of letters he had written to Council in November 2001 and October 2002 regarding the lack of ongoing enforcement of the speed limit on Zengel Drive and a request for the City to remove snow from sidewalks. He complimented staff before voicing concerns related to the proposed Zengel/Ryan development that would result in an increase in traffic on Zengel Drive and in a safety hazard with regard to the retention pond. He disagreed with the Fire Chief Bill Gaul who wanted connectivity from Clys Road to S.R. 48 via Zengel Drive for quick response times for emergency vehicles and alternate access availability.

**PUBLIC HEARING: ORDINANCE NO. 02-14, REPEAL CHAPTER 836  
"PEDDLERS AND SOLICITORS" AND ENACTING NEW CHAPTER 836 ENTITLED  
"PEDDLERS, VENDORS, CANVASSERS, AND CHARITABLE SOLICITATIONS"**

Mr. Horn gave the background related to this ordinance, noting it had been under consideration by Council for many months. Originally, the topic came to the forefront when police had issues with solicitors, but lacked a tool to deal effectively with these situations. Mr. Horn discussed our current solicitation ordinance, recent Court rulings, and ordinances from neighboring communities, such as Englewood. Updated legislation would need to balance the right to public access, the right to free enterprise, freedom of speech, etc. with limiting unwanted individuals coming into neighborhoods. Council worked over an extended period of time to refine this version of the ordinance based on court cases and public feedback.

Municipal Attorney Scott Liberman made comments for clarification of the ordinance. He referenced a memo from Chief Robertson dated August 21, 2013, reviewing solicitation calls for the years 2012 and 2013 and revealing 116 complaints. None involved youth under the age of 18. The statistics showed youth tend to pose less of a threat to privacy than adults and are less likely to cause crime in the area. He explained that the definition section of the ordinance distinguishes between canvassers who are going house to house handing out ideas, pamphlets dealing with ideas, collecting signatures and the like versus the commercial solicitors who are trying to sell items. Solicitors must obtain a license from the City Manager's Office. There are exceptions for canvassers and youth fundraisers. Definitions in the document also include "youth fundraising", and "sunset." The exception to the licensing requirement for youth fundraising activity was added because it is engaged in by minors likely to be recognized by their neighbors, and it presents a lower risk of fraud, theft or other criminal conduct than other house to house activities. Mr. Liberman gave the details of the licensing requirements, the exceptions related to "No Solicitation" signs and the times of day available for solicitation, canvassing and youth fundraising.

Discussion was held before Mr. Compton sponsored Ordinance Number 02-14, An Ordinance Repealing Chapter 836 "Peddlers and Solicitors" Of The Codified Ordinances Of The City Of Centerville And Enacting New Chapter 836 Entitled "Peddlers, Vendors, Canvassers, and Charitable Solicitations" and moved for its approval. Mrs. Kenley seconded the motion. The motion passed unanimously.

There being no further business, the meeting was adjourned. Council's next regularly scheduled meeting will be June 16, 2014. A Special Council Meeting will be held on June 2, 2014.

Approved: *C. Mark Rypel*  
Mayor

ATTEST: *Debra A. James*  
Clerk of Council