

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, September 14, 2020, at 7:36 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 (via telephone)  
Bill Serr (via telephone)

Clerk of Council Teri Davis  
City Manager Wayne Davis  
Finance Director Tyler Roark  
Assistant Finance Director Chris Hacker  
Public Works Director Pat Turnbull  
City Engineer Jim Brinegar  
Assistant City Manager Mariah Vogelgesang  
Development Director Michael Norton-Smith  
City Planner Mark Yandrick  
Human Resources Director Kathy Weisgarber  
Communications Director Kate Bostdorff  
Police Community Relations Officer John Davis  
IT Director Larry Rover  
Municipal Attorney Scott Liberman

**Minutes**

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

Council Meeting: August 10, 2020.

Work Session Meeting: August 10, 2020.

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

**Communications**

Mrs. Davis reported she had received no communications regarding the ADA Transition Plan during the 30-day public comment period.

**Recognitions**

Mayor Compton presented a Certificate of Appreciation to Interim Human Resources Director Kathy Weisgarber upon the occasion of her departure from her contractual position with the City.

**Proclamation**

Mrs. Kenley read a Proclamation designating the week of September 21-27, 2020 as Diaper Need Awareness Week in the City of Centerville.

**Presentations**

City Beautiful Commission Co-Chair Mrs. Mary Ann Kabel announced the September Summer Beautification Awards winners. Esther Price at 269 North Main Street won the Community Pride Award. Accepting the award was Ann Hadley. Ms. Hadley thanked the Commission for the recognition. Mrs. Kabel announced Marshall Goodfellow at 40 Peach Grove is the recipient of this year's Mayor's Award. Mr. Goodfellow was unable to attend the meeting, so City Beautiful Commission member Sherry Leighty accepted the award on his behalf. Mrs. Leighty expressed Mr. Goodfellow's appreciation for the award. Mrs. Kabel then introduced a video produced by Miami Valley Communications Council (MVCC) highlighting the September Landscape Award winners:

345 Cedarleaf Ct. – Ann Ruef  
7455 Forest Creek Dr. – Doug and Susan Sherer  
1925 Olde Haley Dr. – Bill Hapner  
9753 Rose Arbor Dr. – Jim and Suzanne Fink  
2501 Tedbury Ct. – Anna Hight  
911 Thorndale Dr. – Dan and Dee Osterfeld  
245 Weller – Sam and Samantha Haskins

Mrs. Kabel advised the Commission will begin evaluating for the Holiday Lighting Awards in November; awards will be presented at the January City Council meeting.

Mrs. Rau complimented the work of the Commission at the four corners.

**Citizen Comments and Petitions**

Mr. Jeffrey Becht, owner of Sign Dynamics, and resident of 9421 Foxburrow Way addressed City Council regarding his displeasure with the outcome of the Yankee Trace and Stubbs Park signage bid process. Mr. Becht believes his company's bid should be considered compliant to the bid requirements and eligible to be awarded the project due to instructions provided by Staff prior to the bid opening and statements made by Staff after the bid opening. Mr. Liberman explained it is commonplace for Staff to make a statement regarding the apparent low bidder, but bids have to be reviewed for compliance after the bid opening, and can only be awarded by City Council. Mr. Compton thanked Mr. Bechtel for expressing his concerns in a thorough and respectful manner.

**Officials' Reports**

Mayor Compton moved onto Officials' Reports.

Mayor Compton spoke about today's law enforcement appreciation golf outing at Yankee Trace. He further stated his respect for the dedication and commitment to community of law enforcement officers across the region; he is proud of the Centerville Police Department and appreciative of the other area agencies which provided support during the peaceful protests in June. Mr. Davis added the officers provided support for the community and for the protestors who are exercising their constitutional rights; 128 golfers participated in the event which raised \$2,000 for the Law Enforcement Memorial fund; the event was supported by the Oberer Development Company and the Centerville Rotary Club in recognition of a job well done.

Mayor Compton informed about Veterans Day and Holiday Tree Lighting events; planning is underway.

Mayor Compton complimented Staff's great work for pursuing and completing many critical projects in spite of the Covid 19 pandemic.

Mr. Engert spoke about Centerville Washington Historical Society's project to preserve the Sugarcreek cemetery. Gravestone cleaning begins this fall; volunteers are being sought; he noted the following times were scheduled for the work:

Tuesdays, September 15 and 22 from 9 am - noon

Wednesdays, September 16 and 23 from 5:30 - 7:30 pm

Saturdays, September 19 and 26 from 9 am - noon.

Mrs. Kenley expressed how privileged she feels and how rewarding it is to be able to assist local businesses with CARES Act funding distributed by the Centerville Community Improvement Corporation (CCIC).

Mrs. Kenley spoke of her continued involvement with the Ohio Municipal League which lobbies the legislature on behalf of cities.

Mrs. Rau thanked Mr. Norton-Smith, Mr. Davis, and the other CCIC members for their participation in City economic development initiatives.

Mr. Lunsford lauded Centerville City Schools' teachers and Board of Education for their efforts navigating the district through Covid-19. Mayor Compton expressed appreciation for parents and grandparents working with the students at home.

Mr. Serr noted the First Suburbs committee will resume meetings via Zoom beginning this Wednesday at 5:30 p.m. He invited Council members to attend the meeting.

Mr. Palcher spoke on behalf of the Finance Committee recommending the Fund Balance Policy legislation for adoption.

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

- The Fund Balance Policy enhances the City's accountability of proper allocation of funds; it will be incorporated into the 2021 five-year budget; it makes the fund objectives more understandable.
- Earning Tax collection is up 2.7 percent.

- CARES Act – the City may be able to apply to receive CARES Act funding to reimburse Police Department payroll for the months of March through December of 2020.
- Mrs. Bostdorff has kicked off the I Love Centerville hashtag promotion with a great review by Patrick Beckel.
- Uptown Plan Roll Out:

Mr. Davis turned over the presentation to Mr. Norton-Smith who introduced Mr. James Paresi to provide Concept Master Plan highlights, including concept images, aerials, and elevations. Mr. Norton-Smith then discussed next steps and timeframe of the project.

City Council complimented the plan and expressed their support it.

- Public Works Organizational Assessment:  
Mr. Davis turned over the presentation to Mr. Turnbull. Mr. Turnbull discussed the Strategic Plan goals specific to the Public Works Department which include infrastructure and core services, and he discussed strategies being implemented to address goals. Mr. Turnbull noted two themes which came out of the assessment which included a departmental tendency toward reactive versus proactive action and personnel transitions due to retirement eligibility of a significant number of staff members. He then discussed strategies to address the themes. Mr. Turnbull indicated the department is now in a period of data collection with a goal of determining measurables within two years.

City Council complimented the approach to developing the report as well as the stated goals, particularly the objective of proactive action.

### **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.

Mr. Engert requested Item D be removed from the Consent Agenda for separate discussion and Council action.

Mayor Compton provided an explanation of Item J which retroactively approves the expenditure for the employee gifts at the 2019 Staff Holiday Luncheon, clarifying the expenditure had been budgeted and discussed by City Council prior to the event and noting that the expenditure was about a third of what it had been in previous years.

City Council read the Consent Agenda into the record as follows:

- A. Ordinance 19-20, An Ordinance Authorizing The Write-Off Of The Uncollectible Accounts For Waste Collections (Set for Public Hearing October 5, 2020).

- B. Ordinance 20-20, An Ordinance Authorizing The Adoption Of A Fund Balance Policy For The City Of Centerville And To Establish The Economic Development And Budget Stabilization Fund (Set for Public Hearing October 5, 2020).
- C. Resolution 55-20, A Resolution Adopting The Americans With Disabilities Act (ADA) Transition Plan For The City Of Centerville.
- D. (Item D removed from Consent Agenda; action taken below)
- E. Resolution 56-20, Resolution Authorizing The City Manager To Enter Into A Cooperative Agreement With The Board Of Montgomery County Commissioners For The Distribution Of Funding On A Surface Transportation Program (STP) Federal Funding And Authorizing The Montgomery County Commissioners To Submit A Joint Application For The Surface Transportation Program (STP) Federal Funding Grant For The Social Row Road Improvements –Phase 2 Project.
- F. Resolution 57-20, A Final Resolution Enacted By The City Of Centerville, Ohio, Hereinafter Referred To As The Legislative Authority/Local Public Agency Or “LPA” In The Matter Of The MOT-SR 725 - 18.18 Project, PID No. 102710 And Authorizing The City Manager To Execute A Contract In Connection Therewith.
- G. Resolution 58-20, A Resolution Authorizing The City Manager To Enter Into A Lease Agreement Between The City Of Centerville And The Centerville Washington History For The Asahel Wright Complex.
- H. Resolution 59-20, A Resolution Ratifying The Actions Of The City Manager, On Behalf Of The City Of Centerville, To Enter Into A Service Agreement With Spectrum Enterprise.
- I. Resolution 60-20, A Resolution Authorizing The City Manager, On Behalf Of The City Of Centerville, To Enter Into Two Service Agreements With Spectrum Enterprise.
- J. Resolution 61-20, A Resolution Authorizing The Expenditures Of Public Funds For The City Of Centerville December 2019 Staff Holiday Luncheon Event.
- K. Motion to Reappoint:
  - 1. Kathleen Jablinski to Arts Commission (3 year term).

Mrs. Kenley sponsored the Consent Agenda with the exception of Item D, and moved for its approval. Mr. Lunsford seconded the motion, and it passed unanimously with a 7-0 vote.

#### **Consent Agenda Item D**

Resolution 62-20, A Resolution Accepting The Bid Submitted By Kap Signs dba Bang Acquisition LLC Of Dayton, Ohio For The Removal Of Existing Static Sign Boards And Installation Of Double-Sided LED Signs At The Golf Club At Yankee Trace And The Leonard E. Stubbs Memorial Park & Centerville Community Amphitheater And Authorizing The City Manager To Enter Into A Contract In Connection Therewith.

Mr. Engert stated his reasoning for removing the item from the Consent Agenda was that Mr. Becht made a warranted argument which needs further discussion.

Mayor Compton asked about the legal ramifications. Mr. Liberman explained the bidding and bid opening process, noting Staff can only state who is the apparent low bidder, but cannot officially award the project; only City Council can officially accept a bid and award a project. After bid opening, Staff must review all bids to see that they comply with the bid requirements. In order for a rebid to be warranted, there must be a fatal flaw in the process. If no fatal flaw exists, and the City opts to rebid anyway, that could expose the City to a risk of legal action by the successful bidder. Mr. Liberman affirmed that he had not really heard of a fatal flaw in this process. However, it would require Council to make that finding to warrant throwing out the bids and re-bidding the project.

Mrs. Rau requested further explanation about the addendums introduced during the bid process. Mr. Hacker explained the nature of the changes and the process of notification to bidders. Mayor Compton requested confirmation that all bidders had to provide an acknowledgement of receipt of the addendums. Mr. Hacker confirmed that requirement and further confirmed both bidders had provided the acknowledgement.

Mr. Serr made a motion for approval of Item D, Resolution 62-20, A Resolution Accepting The Bid Submitted By Kap Signs dba Bang Acquisition LLC Of Dayton, Ohio For The Removal Of Existing Static Sign Boards And Installation Of Double-Sided LED Signs At The Golf Club At Yankee Trace And The Leonard E. Stubbs Memorial Park & Centerville Community Amphitheater And Authorizing The City Manager To Enter Into A Contract In Connection Therewith, Mr. Palcher seconded the motion, and it passed 5-2 in a roll call vote, with Mr. Engert and Mr. Lunsford voting Nay.

### **Old Business.**

#### **PUBLIC HEARING: ORDINANCE 16-20**

An Ordinance Amending Ordinance No. 14-08, Chapter 1216, Sections 9.05, 9.13, 9.23, 9.25, 9.29, 9.31, 9.39, 9.51, And 11.02 Of The Centerville Municipal Code, The Unified Development Ordinance For The City Of Centerville, Ohio, To Amend Regulations For Development Standards.

Mr. Yandrick presented the 26 proposed UDO text amendments which include:

1. Sidewalk Sales (9.05.A.9)
  - Increases from 15 to 20 days per year
  - Specifically allows for food trucks
  - Modifies from 5/year to up to 20/year.
2. Mobile Food Vendors (9.05.A.10)
  - Clarifies Mobile Food Vendors regulations and requirements
  - Clarifies four types of allowable categories on private property
    - Industrial & Office Uses
    - General Commercial Use
    - Public Parks, Library and Civic Spaces

- Carnival Events
3. Permitted Land Use Table (9.05, Table 9.1)
    - Creation of Craft Breweries, Distilleries & Microwineries (Permitted in B-2, B-PD, I-1, I-PD, CU in APD)
    - Expands permitted use of Media Production (P – O-PD, APD)
    - Expands permitted use of Printing Services (P– B-2, CU – APD)
  4. Side and Rear Easements (9.13)
    - Regulations stay same for 5’ side and rear easements
    - Moves to its own category as incorrectly classified
  - 5-6. Fiber Optics
    - Requires 2” fiber optics and necessary pull boxes
    - Helpful to install and connect fiber to City’s new Fiber Optic Ring
  7. Landscape Bonds – Extends Timeline
  8. Hard Paved Surfaces for Recreation Vehicles (9.29.B.2.c.)
    - Already exists elsewhere, but this codifies this into relevant section
    - Helps when code is being researched to have this contained in the same section
  9. Number of Parking Spaces (9.29.F)
    - Formalizes that applicant need to adhere to accessible parking spaces from Ohio Building Code to comply with ADA
  10. Parking for Barbers, Hair and Tanning Salons (Table 9-8)
    - Slight Reduction in Required Spaces
  11. Driveway Dimensions for 1-2 Family Residences (9.31.C.5.b)
    - Staff proposes 20’ behind sidewalk for private streets
    - Staff proposes 30’ behind curb if not sidewalk for private streets
  12. Accessory Structures for Larger Residential Parcels
    - Current total residential allowance is 750 sq. ft.
    - Proposal allows 1,250 sq. ft. for properties in R-1a zoning district in lots larger than 1.0 acre.
    - Accommodates more space to maintain larger parcel
  13. Pool setbacks
    - This proposal maintains that pools shall be 10’ away from PL
    - This proposal also clarifies decks or patios may be 5’ away from PL and outside of easements
  14. Purpose of sign ordinance (9.51.A.5)
  15. Relocate Sign Movement to General Provisions (9.51.C.5)
  16. EMC Static Image/Illumination
  17. Permanent Sign – Internal Rotation (9.51.G.1.b)
  18. Sign Movement (9.51.G.1.b)
  19. Electronic Message Center (9.51.G.1.c.)
  20. Increase percentage of EMC within ground sign from 25% to 60%
  21. Increase days a temporary ground signs may be displayed from 30 to 45
  22. Modify area of temporary wall signs (outside APD) from 12 sq. ft. to 3/10 sq. ft. for every foot of building frontage.

### 23-26. Definitions

- Remove Pawn Shop
- Added Craft Brewery, Distilleries and Microbreweries
- Added Internal and External Movement
- Modified Swimming Pool to include residential pools

Mr. Yandrick elaborated on the proposed changes regarding sign regulations which include reducing the change interval on Electronic Message Centers (EMCs) from 10 minutes to one (1) minute and increasing the percentage of ground sign area from 25 percent to 60 percent. Mr. Yandrick explained the justification for modification to change interval time is based on recommendations by the American Planning Association and comparisons with other communities. The second sign regulation change allows for internal rotation of movement within permanent signs, but continues to prohibit external movement and establishes a definition for internal rotation and external rotation. The final sign regulation change addresses temporary signage, now allowing temporary signs for 30 days for new businesses with no permit required, increasing the number of days per calendar year a temporary ground sign may be displayed from 30 days to 45 days, and modifying temporary wall signage calculation to three (3) square feet per every 10 feet of building frontage, with a maximum of 40 square feet, excluding within the APD.

Mr. Yandrick conveyed that the proposed amendments are intended to increase business friendliness, thus improving the City's competitiveness with regard to business retention and recruitment. He advised that Planning Commission recommended approval of the amendments in a 4-1 vote.

Mrs. Bostdorff spoke in support of the text amendments which will improve the City's marketing ability and enhance public safety.

Police Community Relations Officer John Davis spoke in support of the text amendments, particularly with regard to the increase of the change interval for EMCs. He asserts there is no evidence that quicker intervals cause traffic accidents. He further believes the new timing will allow for better messaging capabilities during an emergency.

Mayor Compton opened the Public Hearing.

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

Mrs. Rau sponsored Ordinance 16-20 and moved for its approval. Mr. Engert seconded the motion and it passed with a 7-0 vote.

### **PUBLIC HEARING: ORDINANCE 17-20**

An Ordinance Repealing And Amending Ordinance No. 15-19 And Levying Special Assessments For The Improvement Of Public Roadways, Sidewalks, Curbs And Sanitary Mains Along The Yankee Trace Woods, LLC Property, Together With All



Necessary Appurtenances Thereto, As Provided Herein To The Extent Of Available Funds.

Mr. Roark explained this Ordinance makes a minor one-sentence addition to the original Ordinance No. 15-19.

Mayor Compton opened the Public Hearing.

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

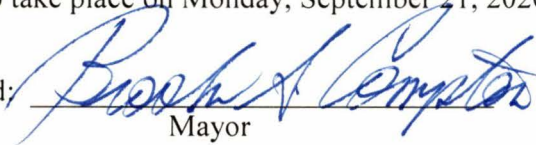
Mr. Engert sponsored Ordinance 17-20 and moved for its approval. Mr. Lunsford seconded the motion and it passed with a 7-0 vote.

**New Business** – none.

**Adjournment**

With no further business before the Council, Mayor Compton adjourned the regular meeting at 10:38 P.M. to reconvene in Work Session. The next regular meeting of City Council is scheduled to take place on Monday, September 21, 2020 at 7:30 P.M.

Approved:

  
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Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk of Council