

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, January 23, 2023, at 7:35 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:

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

Clerk of Council Teri Davis
 City Manager Wayne Davis
 Assistant City Manager Mariah Vogelgesang
 Finance Director Tyler Roark
 Assistant Finance Director Miranda Piatt
 Police Chief Matt Brown
 Development Director Erik Collins
 Economic Development Administrator Joey O'Brien
 City Engineer Jim Brinegar
 Human Resources Director Jen McCormick
 Communications Director Kate Bostdorff
 IT Director Ryan Collins
 Municipal Attorney Scott Liberman

Minutes

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

Council Meeting: January 9, 2023.

Work Session Meeting: January 9, 2023.

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

Communications

Mrs. Davis reported no communications.

Oath of Office

Mayor Compton administered the Oath of Office to new City Beautiful Commission member Gretchen Franck. Ms. Franck discussed her interest in gardening and her interest in serving the community.

Citizen Comments and Petitions – none.

Officials' Reports

Mayor Compton spoke about the passing of Public Works employee Scott Matthews and praised Mr. Matthews for all his years of service to the City.

Mr. Engert wished his mother a Happy 80th Birthday.

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

- Visitation for Scott Matthews
- Kettering Health Centerville Health Center ribbon cutting on Friday
- Streets, Highways, and Drainage Commission meeting tomorrow night

Old Business

- A. PUBLIC HEARING: Application C-2022-0002: Appeal the Decision of the Planning Commission to Uphold the Decision of the Zoning Administrator to Deny the Certificate of Zoning Compliance (Z-2022-0237) for the Two Parcels Located at 6238 and 6240 Far Hills Avenue for a Valvoline Retail, Oil Change Business. Applicant: Casto, c/o Development Group, Eric Leibowitz. Location: 6238 Far Hills Avenue (Parcel 068 00308 0028) and 6240 Far Hills Avenue (Parcel 068 00308 0041).

Mayor Compton provided an explanation to participants and audience members about the public hearing procedure.

Mrs. Vogelgesang presented the staff report, providing the property description and site plan, the timeline, the appeal process, and staff analysis. She provided a clarification regarding a type-O within the staff report provided to Council in its packet. She discussed land use definitions, zoning code, and non-conforming uses. Mrs. Vogelgesang provided a staff analysis of the appellant's argument to Planning Commission. She noted Planning Commission denied the appeal 5-2.

Mayor Compton opened the Public Hearing.

Mr. Joseph Miller of 52 E. ^{Gary} Gary St. in Columbus, of Vorys Law Firm, and representing Casto, provided Council members two packets of information and then explained his opposition to staff's analysis. He discussed the zoning district's purpose and intent, definitions, and comparisons between the 2008 Unified Development Ordinance (UDO) and the 1986 Zoning Code. He reminded that state law requires liberal interpretation of land use codes in favor of property owners.

Mr. Miller invited Mr. Gary Smith of 720 E. Broad Street in Columbus to provide testimony. Mr. Miller provided his credentials and background as an expert in land planning and zoning. Mr. Smith indicated he reviewed the application materials and the applicable UDO and conducted a site visit. He concluded the Valvoline business fits the *Vehicle Service Use* (which he described as preventative maintenance) which is generally permitted in the B2 zoning district, that there is no discernible difference between Valvoline and Jiffy Lube, and that Valvoline does not fit the *Auto or Truck Repair* definition.

Mr. Miller invited Dr. Doug Coatney of 766 Yankee Race Drive, the property owner, to provide testimony. Dr. Coatney discussed his residential and business history within the City and requested City Council's approval of the appeal.

Mr. Miller again compelled City Council to affirm the appeal.

Council members requested clarification on Mr. Miller's packet materials and then discussed definitions, decision procedures, and the limitations of Valvoline's service offerings.

Mrs. Vogelgesang provided rebuttal to Mr. Miller's arguments reiterating that the UDO does not define *Vehicle Service*. She listed Valvoline's advertised service offerings and discussed the definition changes which occurred from the 1986 zoning code to the 2008 UDO.

Council members discussed the legislative history, the requirement to apply the common definition, and the expressed purpose of the B2 zoning district.

Seeing no one else come forward to address City Council, Mayor Compton closed the Public Hearing.

Mr. Serr made a motion to grant the appeal and overturn the Planning Commission decision, Mr. Palcher seconded the motion, and it passed 7-0 in a roll-call vote.

- B. PUBLIC HEARING: Application C-2022-0003: An appeal of a decision by the Planning Commission denying variances in Case P-2022-0018.
Applicant: Gayle Wright.
Location: 1775 Centerville Station Road.

Mr. O'Brien presented the staff report, providing the property description, application summary, the variance requests, standards of approval, and staff analysis. He noted Planning Commission denied the variances in a 0-4 vote. He explained that staff, as a matter of practice, does not provide an expressed recommendation in variance cases, but noted one staff request, if the appeal is granted, for a condition that the proposed fence shall be at least 40' setback from the Centerville Station Road centerline.

Mayor Compton opened the Public Hearing.

Mrs. Gayle Wright of 2420 E. Centerville Station Road addressed City Council, providing a history of the property purchase and project planning. She explained the floodplain issue she encountered. She expressed her security concerns and provided specifications on the proposed fencing, noting another property within the City with similar allowances.

Mr. Jim Good of 7895 Stonehouse Ct. addressed City Council stating no objections to the variances.

Mrs. Susan Buck of 7870 Stonehouse Ct. addressed City Council stating no objection to the variances.

Mr. Bruce Bacheller of 2025 E. Centerville Station Rd. addressed City Council, expressing one concern with how the fence will impact the look of the neighborhood but stating no other objection to the variances.

Mrs. Lisa Lambdin of 2017 E. Centerville Station Rd. raised one concern with the existing chain link fence.

Seeing no one else come forward to address City Council, Mayor Compton closed the Public Hearing.

Council members discussed the Centerville Station Road improvements impacts on the property, existing precedent, subdivision allowances, the variance specifics, and the floodplain issue.

Mrs. Rau inquired if approving the variances will set a precedent. Mr. Liberman explained that variance approvals do not set precedent for future variances which may come before City Council.

Mr. Serr made a motion to grant the variance requests with the condition that the proposed fence shall be at least 40' setback from the Centerville Station Road centerline, Mrs. Kenley seconded the motion, and it passed 7-0 in a roll-call vote.

C. PUBLIC HEARING: Ordinance 02-23, An Ordinance To Amend Ordinance No. 05-22 To Rename The City Of Centerville OneOhio Fund To The Opioid Settlement Fund.

Mr. Roark explained this legislation renames an existing special revenue fund to allow flexibility in receiving opioid settlement funds regardless of the settlement name.

Mayor Compton opened the Public Hearing.

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

Mr. Lunsford sponsored Ordinance 02-23 and moved for its adoption. Mrs. Rau seconded the motion, and it passed with 7 ayes.

New Business – 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.

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

- A. Resolution 08-23, A Resolution Authorizing The City Manager To Execute The Letter Of Acceptance Of The Montgomery County Solid Waste District's Waste Reduction & Recycling Grant.
- B. Resolution 09-23, A Resolution Declaring Specific Property 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 Stated Herein.
- C. Resolution 10-23, Resolution Authorizing And Directing The City Manager To Enter Into A Revised Maintenance Agreement With Cornerstone Of Centerville Owners Association, Inc., And Cornerstone Village Associates, LTD And A Right Of Entry

Agreement With National Retail Properties, LP, For Park Maintenance In The Cornerstone Park And To Take All Necessary Steps To Close On The Cornerstone Park.

- D. A Motion to Appoint City Council And Staff Members as Liaisons and Representatives to Boards and Committees as indicated below:

FINANCE AND LONG-RANGE PLANNING

John E. Palcher, Chair
Willis O. Serr II
Duke Lunsford

COUNCIL LIAISONS

BOARD OF ARCHITECTURAL REVIEW

Duke Lunsford

CENTERVILLE ARTS COMMISSION

John E. Palcher

CENTERVILLE CITY SCHOOLS

Brooks A. Compton

CENTERVILLE-WASHINGTON HISTORY

Mark K. Engert
Duke Lunsford (Alternate)

CENTERVILLE-WASHINGTON PARK DIST.

JoAnne C. Rau

CITY BEAUTIFUL COMMISSION

JoAnne C. Rau

CITY PLANNING COMMISSION

John E. Palcher

COMMUNITY REINVESTMENT AREA HOUSING COUNCIL

John E. Palcher

STREETS, HIGHWAYS AND DRAINAGE

John E. Palcher
Duke Lunsford (Alternate)

WASHINGTON-CENTERVILLE PUBLIC LIBRARY

Willis O. Serr II

WASHINGTON and SUGARCREEK TOWNSHIP TRUSTEES

Brooks A. Compton

CENTERVILLE REPRESENTATION**CENTERVILLE-WASHINGTON DIVERSITY COUNCIL**

Wayne S. Davis
Kate Bostdorff

DAYTON AREA MANAGERS ASSOCIATION

Wayne S. Davis
Mariah Butler Vogelgesang

DAYTON DEVELOPMENT COALITION

Belinda H. Kenley (Delegate)
Brooks A. Compton (Alternate)

ENERGY SPECIAL IMPROVEMENT DISTRICT

Wayne S. Davis
Erik Collins

FIRST TIER SUBURBS

Willis O. Serr II
Brooks A. Compton
JoAnne C. Rau (Alternate)

GREENE COUNTY WATER/WASTEWATER ADVISORY COMMITTEE

Pat Turnbull

MIAMI VALLEY COMMUNICATIONS COUNCIL

JoAnne C. Rau (Delegate)
Brooks A. Compton (Delegate)
Wayne S. Davis (Alternate)

Government Technology Committee

Wayne S. Davis

MIAMI VALLEY REGIONAL PLANNING COMMISSION

Willis O. Serr II (Delegate)
Wayne S. Davis (Alternate)

Technical Advisory Committee

Pat Turnbull
David Swanson (Alternate)

Transportation Committee

Willis O. Serr II (Delegate)
John E. Palcher (Alternate)

The Lower Greater Miami River Basin Council

Willis O. Serr II

MONTGOMERY COUNTY COMMUNITY DEV. BLOCK GRANT

Brooks A. Compton

MONTGOMERY & GREENE CO. MAYORS & MANAGERS

Brooks A. Compton
Wayne S. Davis

MONTGOMERY COUNTY OFFICE OF EMERGENCY MANAGEMENT

Countywide Advisory Committee
Wayne S. Davis (Representative)
Mariah Butler Vogelgesang (Alternate)

MONTGOMERY COUNTY SOLID WASTE

Financial Advisory Committee
Pat Turnbull

SWAC
Pat Turnbull

SWMPC
Pat Turnbull

OHIO BENEFITS COOPERATIVE

Tyler Roark
Jen McCormick

SATELLITE JUVENILE COURT

Wayne S. Davis
Matthew J. Brown

SOUTH SUBURBAN COALITION

Willis O. Serr II

SYCAMORE MEDICAL CENTER

Citizens Advisory Council
Brooks A. Compton
Wayne S. Davis

WASHINGTON TOWNSHIP RECREATION BOARD

Duke Lunsford (Delegate)
Mark K. Engert (Alternate)

- E. Motion to reappoint the following Boards and Commissions members:
1. Jim Collins as Chair of the Arts Commission (1 year term)
 2. Bob Lentz as Chair of the Streets, Highways and Drainage Commission (1 year term)
 3. Donald Stewart to the Local Board of Tax Review (2 year term)
 4. Louise Haun to the Arts Commission (3 year term)
 5. Debbie Schmidt to the City Beautiful Commission (3 year term)

Mr. Palcher sponsored the Consent Agenda and moved for its approval. Mr. Engert seconded the motion, and it passed with 7 ayes.

Adjournment

With no further business before the Council, Mayor Compton adjourned the regular meeting at 10:24 P.M. The next regular meeting of City Council is scheduled to take place on Monday, February 6, 2023, at 7:30 P.M.

Approved: 
Mayor

ATTEST: 
Clerk of Council