

The Council of the City of Centerville, County of Montgomery, State of Ohio, met on Monday, October 9, 2023, at 7:30 P.M. in the Auditorium of the Sinclair Centerville Campus at 5800 Clyo Road. The meeting was opened with an Invocation by Pastor Kirk Lithander of Fairhaven Church 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
 City Planner Ian Vanness
 Economic Development Administrator Joey O'Brien
 Public Works Director Pat Turnbull
 City Engineer Jim Brinegar
 Assistant City Engineer David Swanson
 Communications Director Kate Bostdorff
 Human Resources Director Jen McCormick
 IT Director Ryan Collins
 Municipal Attorney Scott Liberman
 Municipal Attorney Steve Bacon

Mayor Compton invited Pastor Lithander to discuss programs at Fairhaven Church. Pastor Lithander spoke about an initiative to provide immigrant assistance services.

Mayor Compton thanked Sinclair for allowing the City to conduct its meeting in Sinclair's facility.

Minutes

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

Council Meeting: September 18, 2023.

Work Session Meeting: September 18, 2023.

Mrs. Kenley made a motion for approval of the minutes, Mr. Palcher seconded the motion, and it passed with 6 ayes and with Mrs. Rau abstaining.

Communications

Mrs. Davis reported no communications.

Presentations

- A. Yes to Parks! – Carol Kennard presented information about Centerville-Washington Parks' background, facilities, programs, environmental efforts, and goals. She spoke about the upcoming one (1) mill replacement levy, noting the taxes would be based on 2023 property values. More information is available at yesforcwparks.com.

Mayor Compton and other Council members praised the park district.

Proclamations

- A. Mayor Compton provided a summary of the Hindu Heritage Month Proclamation.

Citizen Comments and Petitions - none**Officials' Reports**

Mayor Compton spoke about two ribbon cuttings last week at Elevate Esthetics and at Lefty's Barbershop.

Mayor Compton spoke about the Incarnation 2nd Grade tour at the City building last week.

Mayor Compton provided introductions of Council members and staff to the audience members.

Mr. Engert announced Centerville-Washington History's next Speakers Series is scheduled for October 17, featuring Andy Hite speaking about *A Canal for the West: The Miami & Erie Canal*.

Mr. Engert spoke about the success of Fall Fest.

Mrs. Kenley spoke about her attendance at the Heart of Centerville meeting.

Mrs. Kenley announced the Hometown Holiday Walk on November 19.

Mrs. Kenley noted she will attend the OML conference next week.

Mrs. Rau spoke about Mike McCann of the Entrepreneurs' Center who will be presenting to the CCIC at its October 18 meeting.

Mr. Lunsford spoke about his attendance at the Heart of Centerville meeting.

Mr. Lunsford discussed his participation in Driscoll Elementary's Start with Hello activity.

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

- Fall Fest success.
- Benham's Grove bid goes out Thursday and opens November 1.
- Community Leadership Forum on October 14.

New Business

- A. Resolution 86-23, A Resolution Authorizing The City Manager On Behalf Of The City Of Centerville To Apply For Federal Infrastructure Investment And Jobs Act Funds Through The Miami Valley Regional Planning Commission And Authorizing The City Manager To Take All Steps Necessary To Enter Into An Agreement Therewith.

Mr. Swanson explained that the Resolution authorizes two applications be submitted to a competitive grant program through MVRPC.

Mr. Serr made a motion to approve the Resolution. Mr. Lunsford seconded the motion and it passed with 7 ayes.

- B. PUBLIC HEARING: Applications C-2023-0002, C-2023-0003, and C-2023-0004: Appealing the Decision of the City of Centerville Planning Commission in Case No. P-2022-0020, a Major Site Plan for Sheetz.
Applicants: Epiphany Evangelical Lutheran Church, Regis Lekan, and
Graceworks Lutheran Services dba Bethany Lutheran Village.
Location: 6318 Far Hills Avenue.

Mayor Compton provided preliminary comments regarding the consolidation of the three appeals applications, the UDO requirement to conduct the hearing, the proceeding process, and an explanation of the closing of the Public Hearing. He also read the Standards of Approval with regard to a Major Site Plan.

Mr. Vanness gave the staff report, providing the application summary, the required improvements, the building and lot specifications, the Standards of Approval, and staff analysis. He noted that Planning Commission approved the Major Site Plan 5-0 with 15 conditions.

Council members discussed the number of 24/7 businesses in the area, vehicular traffic number projections with the development, ingress and egress specifications, canopy height, frequency of fueling trucks, spillage measures, distances to neighboring businesses and neighborhoods, emergency services issues, particulars of the B2 zoning district, signage, and whether ancillary vehicular services will be provided.

Mayor Compton opened the Public Hearing

The following individuals supporting the appellant Epiphany Evangelical Lutheran Church spoke in opposition to the Sheetz development:

1. Pastor Julie Reuning-Scherer of 268 Cherry Drive
2. Pastor Larry Hoffsis of 6509 Orchid Circle

3. Heather Phillips of 6358 Springmill
4. Candy Norman of 30 Knollview Court, Germantown
5. Gary Miller of 1365 Black Oak Drive

Mark Chilson, Legal Counsel for Epiphany Evangelical Lutheran Church presented opposition, asserting the Sheetz development is inconsistent with the use and character of surrounding properties, that it does not provide safe conditions for pedestrians, and that it is Sheetz' burden to prove the invalidity and illegality of Council's decision.

With the appellant, Council members discussed how the Epiphany church parking lot is accessed, the amount of usage by patrons and by motorists cutting through to Loop Road, and the preschool's frequency of need to cross the parking lot on foot for educational functions. Council members also discussed how Espanola Drive is used, the vicinity of the Sheetz drive-thru to Epiphany, and the difference in elevations between to the two structures.

The following individuals supporting the appellant Regis Lekan spoke in opposition to the Sheetz development:

1. Regis Lekan of 321 S. Village Drive
2. Jane Rodgers of 6275 Glenburn Court
3. Hugh Pringle of 221 S. Village Drive
4. Cathy Whited of 141 S. Village Drive

With the appellant, Council members discussed bussing and pedestrian issues that may arise at Primary Village North, stormwater issues, and spillage concerns.

The following individuals supporting the appellant Bethany Lutheran Village spoke in opposition to the Sheetz development:

1. Robert Curry, Legal Counsel
2. Lauren Coyle of 6641 Statesboro Road
3. Ann Baines of 6500 Calais Court
4. Judy Budi of 10411 Silver Maple

Mr. Curry presented opposition, citing that use and character of surrounding properties was not considered by Planning Commission, only the technical requirements of the UDO. He asserted that Council members must consider traffic volumes, crime, environmental issues, noise, the sale of vice products, and the tendency of motorists to cut through the Epiphany parking lot.

With the appellant, Council members discussed the quantitative versus the qualitative aspects of the Traffic Impact Study (TIS), the use and character consistency, and if and how buffering solves the use and character concerns.

The following individuals supporting the appellee Josh Long of CESO, Inc. (developer Sheetz) spoke in support of the Sheetz development:

1. Richard Tranter – Legal Counsel (Dinsmore & Shohl) representing CESO and Skilken Gold Developers.
2. Josh Long representing CESO Inc.
3. Mike Cassel representing Sheetz

Mr. Tranter discussed City Council's requirement to uphold the law of the City's UDO and emphasized City Council's quasi-judicial role. He presented images of similar Sheetz developments, benefits to the community and to philanthropic organizations, the existing traffic concerns in the development area, the improvements the development will make to those pre-existing conditions, an explanation of how the ingress and egress will operate, crime comparables, and how Sheetz is consistent with the use and character of the corridor spanning from Whipp Road to Loop Road.

Mr. Long expanded upon the current traffic issues and Sheetz' resolution of those issues.

Mr. Tranter also expressed that Sheetz' improvements will mitigate stormwater concerns which were raised by previous speakers.

With the appellee, Council members discussed ancillary vehicle maintenance service on the site, traffic generation (pass-by versus primary trips), the percentage of vehicles expected during nighttime hours, interpretations of the use and character standard, signage, the future impacts of the trend toward electric vehicles, the services available via the drive-thru, spillage concerns, and fueling truck frequency.

Each of the three appellants was given an opportunity for response to the appellee's arguments.

Mayor Compton invited members of the audience to address City Council with comments.

The following individuals addressed City Council in opposition to the Sheetz development:

1. Kathleen Wilson of 429 Ridge Line Court
2. Mimi Sylva of 170 S. Village Drive
3. Jerry Knox of Shady Brook at Flemington Road
4. Karl Biermann of 1675 Ambridge Road
5. Scott Bushbaum of 5681 Terrace Park Drive
6. Paul Arthur of 311 Whittington Drive
7. Randy Lyons of 330 N. Village Drive
8. Penny Yannekis of 581 Brandwynne
9. Jeff Thompson of 211 S. Village Drive

The following individual addressed City Council in support of the Sheetz development:

1. Greg Caskey representing the Elsa Family Business.

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

Mrs. Kenley made a motion to table the appeal until the October 23, 2023 City Council meeting. Mrs. Rau seconded the motion and it passed 7-0 in a roll call vote.

Old Business

- A. PUBLIC HEARING: Ordinance 13-23, An Ordinance To Amend Ordinance Number 25-22 To Make Appropriations For The Current Expenses And Other Expenditures Of The City Of Centerville, State Of Ohio, During The Fiscal Year Ended December 31, 2023.

Mr. Roark explained this Ordinance is a mid-year adjustment to the 2023 operating budget, and he provided an overview of the affected funds.

Mayor Compton opened the Public Hearing.

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

Mr. Serr made a motion to approve Ordinance 13-23. Mr. Palcher seconded the motion and it passed with 7 ayes.

- B. PUBLIC HEARING: Ordinance 14-23, An Ordinance Amending, Reaffirming And Restating Ordinance 02-04 And Authorizing The City Of Centerville To Pick Up The Statutorily Required Contribution To The Ohio Police And Fire Pension Fund For The Employees Of The City Of Centerville.

Mr. Roark explained that this Ordinance updates the pension pickup plan document which has not been updated since 2004.

Mayor Compton opened the Public Hearing.

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

Mrs. Rau made a motion to approve Ordinance 14-23. Mr. Serr seconded the motion and it passed with 7 ayes.

- C. PUBLIC HEARING: Ordinance 15-23, An Ordinance That The City Of Centerville Will Pick Up The Statutorily Required Contribution To The Ohio Public Employees Retirement System For The Employees Of The City Of Centerville Pursuant To IRC Section 414(h)(2).

Mr. Roark explained that this Ordinance updates the Ohio PERS fringe benefit plan document.

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

Mrs. Kenley made a motion to approve Ordinance 15-23. Mr. Lunsford seconded the motion and it passed with 7 ayes.

Adjournment


With no further business before the Council, Mayor Compton adjourned the regular meeting at 1:44 A.M. on October 10, 2023. The next regular meeting of City Council is scheduled to take place on Monday, October 23, 2023, at 7:30 P.M.

Approved:



Mayor

ATTEST:



Clerk of Council